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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Saviour, under whom all hearts are open, all desires known, and from Whom no secrets are hidden, You commended the light to shine out of darkness and gave us the gift of this new day. Forgive us when we ignore Your efforts to guide us. Help us to take the long view of our work and to not become weary of helping others.

Thank You, Lord, for teaching us to trust You and for opening our minds to the counsels of Your eternal wisdom. Increase our hunger for right living and teach us the power of gratitude.

Today keep our Senators within the circle of Your will, and may they be willing to be led by You. Guide them and give them the graciousness to strive to humbly serve one another, following Your example of lowliness.

We pray this in Your living Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant journal clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, very briefly, today following morning business, at approximately 10:45, the Senate will resume consideration of H.R. 4, the welfare reauthorization bill. At 12:15 we will proceed to a vote on the Snowe amendment on child care. Following that vote the Senate will recess for our weekly party lunches. For the remainder of the day the Senate will continue with the welfare bill and amendments thereto. The chairman and ranking member of the Finance Committee will be here throughout the day to work through those amendments. Senators should therefore expect votes throughout the day. I encourage Members who have amendments to notify the bill managers in the hopes that we can process those amendments and move forward with this bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that my leader time not be taken as part of the allocation for Members in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SYSTEMATIC ABUSE OF GOVERNMENT PREROGATIVES

Mr. DASCHLE. Mr. President, last week I spoke about the White House's reaction to Richard Clarke's testimony before the 9/11 Commission. I am compelled today to rise again because the people around the President are systematically abusing the powers and the prerogatives of Government.

We all need to reflect seriously on what is going on, not in anger, not in partisanship, but in keeping with our responsibilities as Senators, with an abiding respect for the fundamental values of our democracy.

Richard Clarke did something extraordinary when he testified before the 9–11 Commission last week. He didn't try to escape blame, as so many routinely do.

Instead, he accepted his share of responsibility and offered his perceptions

about what happened in the months and years leading up to September 11.

We can and should debate the facts and interpretations Clarke has offered. But there can be no doubt that he has risked enormous damage to his reputation and professional future to hold both himself and our Government accountable.

The retaliation from those around the President has been fierce. Mr. Clarke's personal motives have been questioned and his honesty challenged. He has even been accused, right here on the Senate floor, of perjury. Not one shred of proof was given, but that wasn't the point. The point was to have the perjury accusation on television and in the newspapers. The point was to damage Mr. Clarke in any way possible. This is wrong—and it is not the first time it has happened.

When Senator MCCAIN ran for President, the Bush campaign smeared him and his family with vicious, false attacks.

When Max Cleland ran for reelection to this Senate, his patriotism was attacked. He was accused of not caring about protecting our Nation—a man who lost both legs and an arm in Vietnam, accused of being indifferent to America's national security. That was such an ugly lie, it's still hard to fathom almost 2 years later.

There are some things that simply ought not be done—even in politics. Too many people around the President seem not to understand that, and that line has been crossed.

When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq, Niger, and uranium, the people around the President didn't respond with facts. Instead, they publicly disclosed that Ambassador Wilson's wife was a deep-cover CIA agent. In doing so, they undermined America's national security and put politics first. They also may well have put the lives of Ambassador Wilson's wife, and her sources, in danger.

When former Treasury Secretary Paul O'Neil revealed that the White House was thinking about an Iraq War in its first weeks in office, his former colleagues in the Bush administration ridiculed him from morning to night, and even subjected him to a fruitless Federal investigation.

When Larry Lindsay, one of President Bush's former top economic advisors, and General Eric Shinseki, the former Army Chief of Staff, spoke honestly about the amount of money and the number of troops the war would demand, they learned the hard way that the White House doesn't tolerate candor.

This is not ''politics as usual.'' In nearly all of these cases, it's not Democrats who are being attacked. Senator MCCAIN and Secretary O'Neill are prominent Republicans, and Richard Clarke, Larry Lindsay, Joe Wilson, Eric Shinseki, and Larry Lindsay all worked for Republican administrations. The common denominator is that these Government officials said things the White House didn't want said.

The response from those around the President was retribution and character assassination—a 21st century twist to the strategy of ''shooting the messenger.''

If it takes intimidation to keep inconvenient facts from the American people, the people around the President don't hesitate. Richard Foster, the chief actuary for Medicare, found that out. He was told he'd be fired if he told the truth about the cost of the administration's prescription drug plan.

This is no way to run a government. The White House and its supporters should not be using the power of Government to try to conceal facts from the American people or to reshape history in an effort to portray themselves in the best light. They should not be threatening the reputations and livelihoods of people simply for asking—or answering—questions. They should seek to put all information about past decisions on the table for evaluation so that the best possible decisions can be made for the Nation's future.

In Mr. Clarke's case, clear and troubling double standards are being applied.

Last year, when the administration was being criticized for the President's misleading statement about Niger and uranium, the White House unexpectedly declassified portions of the National Intelligence Estimate.

When the administration wants to bolster its public case, there is little that appears too sensitive to be declassified.

Now, people around the President want to release parts of Mr. Clarke's earlier testimony in 2002. According to news reports, the CIA is already working on declassifying that testimony—at the administration's request.

And last week several documents were declassified literally overnight, not in an effort to provide information on a pressing policy matter to the American people, but in an apparent effort to discredit a public servant who gave 30 years of service to the American Government.

I'll support declassifying Mr. Clarke's testimony before the Joint Inquiry, but the administration shouldn't be selective.

Consistent with our need to protect sources and methods, we should declassify his entire testimony. And to make sure that the American people have access to the full record as they consider this question, we should also declassify his January 25 memo to Dr. Rice, the September 4, 2001 National Security Directive dealing with terrorism, Dr. Rice's testimony to the 9–11 Commission, the still-classified 28 pages from the House-Senate inquiry relating to Saudi Arabia, and a list of the dates and topics of all National Security Council meetings before September 4, 2001.

I hope this new interest in openness will also include the Vice President's Energy and Terrorism Task Forces. While much, if not all, of what these task forces discussed was unclassified, their proceedings have not been shared with the public to date.

There also seems to be a double standard when it comes to investigations. In recent days leading congressional Republicans are now calling for an investigation into Mr. Clarke.

As I mentioned earlier, Secretary O'Neill was also subjected to an investigation.

Clarke and O'Neill sought legal and classification review of any information in their books before they were published.

Nonetheless, our colleagues tell us these two should be investigated, at the same time that there has been no Senate investigation into the leaking of Valerie Plame's identity as a deep cover CIA agent, no thorough investigation into whether leading administration officials misrepresented the intelligence regarding threats posed by Iraq, no Senate hearings into the threat the chief Medicare Actuary faced for trying to do his job, and no Senate investigation into the reports of continued overcharging by Halliburton for its work in Iraq.

There is a clear double standard when it comes to investigating or releasing information, and that's just not right. The American people deserve more from their leaders.

We're seeing it again now in the shifting reasons the White House has given for Dr. Rice's refusal to testify under oath and publicly before the 9–11 Commission.

The people around the President first said it would be unprecedented for Dr. Rice to testify. But thanks to the Congressional Research Service, we now know that previous sitting National Security Advisors have testified before Congress.

Now the people around the President are saying that Dr. Rice can't testify because it would violate an important constitutional principle: the separation of powers.

We will soon face this debate again when it comes time for President Bush and Vice President CHENEY to meet with the 9–11 Commission. I believe they should lift the limitations they have placed on their cooperation with the Commission and be willing to appear before the entire Commission for as much time as the Commission deems productive.

The all-out assault on Richard Clarke has gone on for more than a week now. Mr. Clarke has been accused of ''profiteering'' and possible perjury. It is time for this to stop.

The commission should declassify Mr. Clarke's earlier testimony. All of it. Not just the parts the White House wants. And Dr. Rice should testify before the 9–11 Commission, and she should be under oath and in public.

The American people deserve to know the truth—the full truth—about what happened in the years and months leading up to September 11.

Senator MCCAIN, Senator Cleland, Secretary O'Neill, Ambassador Wilson, General Shinseki, Richard Foster, Richard Clarke, Larry Lindsay—when will the character assassination, retribution, and intimidation end?

When will we say enough is enough?

The September 11 families—and our entire country—deserve better. Our democracy depends on it. And our Nation's future security depends on it.

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER OF PROCEDURE

Mr. REID. Mr. President, the minority has 30 minutes. I ask unanimous consent that our time be equally divided, with 7½ minutes going to Senator WYDEN, 7½ minutes to Senator SCHUMER, 7½ minutes to Senator DURBIN, and 7½ minutes to Senator STABENOW, in that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

PERFECT STORM COMING

Mr. WYDEN. Mr. President, it is time for the Bush administration to end its campaign of inaction on gasoline price hikes. Tomorrow, OPEC will vote on whether there should be additional production cuts, and this very morning, the Saudi oil minister said OPEC should go ahead with its scheduled production cut in the month of April.

If they do, that is going to take 1 million barrels of oil off the market per day, when U.S. private oil supplies are already millions of barrels low and when U.S. gasoline prices are at record highs.

Folks on the west coast of the United States are getting clobbered by these gasoline price hikes. People in California pay considerably more than $2 a gallon. Folks in my home State of Oregon are close behind, paying an average of more than $1.80 in some of our towns.

There is a perfect storm coming with respect to these gasoline price hikes. The combination of the Bush administration filling the Strategic Petroleum Reserve at the wrong time, the fact we have these refinery cutbacks on the west coast that seem as much to boost profit as anything else, the Federal Trade Commission turning a blind eye to anticompetitive profits, and the shenanigans of OPEC are the factors that are coming together to create what I think could be a perfect storm with gasoline prices of $3 a gallon.

On the OPEC issue, less than a month ago the head of the Energy Information Agency told me OPEC would make up the difference for the oil the U.S. Energy Department is putting in the Strategic Petroleum Reserve. I have to tell you, Mr. President, if you think OPEC is going to be looking out for the American gasoline consumer, you have to think Colonel Sanders is looking out for the chickens. It simply does not add up.

For the life of me, I cannot understand the administration's insistence on continuing to swipe oil out of the private U.S. market and squirrel it away in the Strategic Petroleum Reserve at a time when the American consumer is getting clobbered each week at the gasoline station. The Bush administration needs to stop filling the Strategic Petroleum Reserve. The administration is spending American tax dollars to buy oil at record high prices and put it in the reserve, and apparently they are saying they will not stop it. But, in fact, they did stop filling the reserve when it helped the oil companies. They stopped filling the reserve in December 2002 when the oil companies needed more supply for refineries.

It seems to me the message today is what the administration is willing to do for the big oil companies they ought to do for the American consumer, and particularly the ones I represent on the west coast of the United States.

There is no substitute for leadership when American families are hurting financially and getting shellacked by these gasoline price hikes. It is interesting to note that when the President was a candidate in 2000, he said the President ought to be using his bully pulpit to jawbone OPEC. This administration is not doing that.

Last week, they took credit for oil coming down about $1 a barrel. The fact was, that was a day late and $7 a barrel short because the price is still way above the OPEC price target level.

We come to the floor today to say when the American people are hurting, there needs to be Presidential leadership. These gas prices are hurting my constituents. They are devastating to businesses and to consumers on the west coast, and they are driving up prices for goods and transportation in this country.

We have a proposal. It is to stop filling the Strategic Petroleum Reserve, No. 1. No. 2, it is for the Federal Trade Commission to get off the dime and look at these anticompetitive practices. I have introduced legislation, S. 1737. If the Bush administration does not like that bill, I would like to hear their proposal. Let's hear what they are going to do to stand up for the west coast consumer.

It seems the administration is busy filling the Strategic Petroleum Reserve with no regard for rising gas prices. They are busy with their campaign of inaction that seems to help nobody but the oil companies and will not direct the Federal Trade Commission to take steps now to protect the consumer. I think the American people deserve better.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Under the previous agreement, the Senator from New York is recognized for 7½ minutes.

Mr. SCHUMER. I thank the Chair.

RICE TESTIMONY

Mr. SCHUMER. Mr. President, honestly, I had come to the floor to submit a resolution on behalf of myself and 14 of my colleagues, including Senators KENNEDY, BYRD, LIEBERMAN, CLINTON, CORZINE, DODD, JOHNSON, HOLLINGS, REID from Nevada, LAUTENBERG, DORGAN, DURBIN, DASCHLE, and NELSON to ask the President to allow Condoleezza Rice to testify under oath and in public. I heard NBC News has announced she will do just that. So the resolution is moot. I will make a couple of points, though.

One is I suppose all of the protestation that this would violate separation of powers has gone by the wayside. We all knew that was just a smokescreen because this commission is not congressional, and the whole theory of separation of powers is congressional.

The bottom line is the real reason the administration did not want Condoleezza Rice to testify, that they did not want her out there speaking about this, is quite apparent and had nothing to do with separation of powers.

The second point I make is to compliment the Commission. The Commission has done an incredible job. I think when Tom Kean, the former Governor of New Jersey, a Republican, one known for integrity, said the only way she would testify was under oath—she has been on every talk show. She is on television 24/7. So she has plenty of time to go public and say what she wants, but not what the Commission will ask her under oath.

Her statements, her public statements contradicted some of Dick Clarke's. Dick Clarke's were given under oath. Dick Clarke's were given after considerable criticism and vituperation directed from the White House and the attack machine that we know about here in Washington, the Republican attack machine. He stood by his story. So we now all wait with bated breath to hear what Condoleezza Rice will say under oath.

Mr. President, people as diverse as Colin Powell, JOHN MCCAIN, CHUCK HAGEL—Republicans—have talked about Dick Clarke's character. I have known Dick Clarke for a long time. He is a principled man. He has been a registered Republican. Whenever he met me—and I met him under the Clinton administration—he said he was a Republican. His one passion was to make America safe.

When all the information he had and all the work he and his staff had done were ignored, he became more and more frustrated. Dick Clarke's book is not aimed at political retribution. Dick Clarke's book is aimed at the truth. Like everywhere else, the Scriptures are right: The truth will set us free.

I hope Condoleezza Rice fully testifies, testifies truthfully. The Commission's goal is not to point fingers or blame; the Commission's goal is to find out what went wrong so we don't do it again. No one feels that more keenly than the families in my State who have lost loved ones and who yearn for the truth; not so much because it will ever bring their loved ones back but because they, in a charitable, an eleemosynary gesture, want to prevent it from happening again.

This is a good step. We ought to trust this Commission. It is bipartisan. It has many people of integrity on it. Let it go forward without stonewalling. The truth, the truth will set us free.

OPEC

I would like to bring one other issue forward now that something has been announced, and that is the issue of OPEC. Tomorrow the OPEC nations meet. I have a letter that has been signed by 19 of my colleagues as well urging the President, today, to speak out strongly and publicly to get OPEC to back off their counterproductive policy to restrict the amount of oil that flows into the market and raise the prices. It is counterproductive because it is going to cause our economy to slow down and hurt everybody.

But where is the voice of our President? He went out of his way to create a $400 tax cut, to put money into the hands of average families to stimulate the economy. I was all for that part of his tax proposal. But now that tax cut is going to OPEC. By the end of the summer, the average American family with 2 cars will pay $400 more than they paid for gasoline because of this recent price rise in OPEC. It is taking the wind out of our economy.

OPEC is a monopoly—an oligopoly. It is killing America. We have a solution, which is the Strategic Petroleum Reserve which President Clinton did dip into after, frankly, I pressured him for 6 months. That brought oil prices down and they stayed down. Where is President Bush? What is his policy to deal with oil prices now?

He talks about the energy bill, he talks about ANWR. At best, whether you agree with it or not, that is not going to put more oil on the market for 5 years. What are we doing now, as OPEC drains dollars from the American family's pockets? There is no extra money to take the vacation, build the extra room on the house, or buy the new car. The President fiddles, frankly, while Rome burns, while oil prices go through the roof, not because of a free market but because there is a monopoly here that is manipulating price.

OPEC always said they would keep the price no greater than $28 a barrel. It is now about $10 more than that. Now, with the Saudi announcement this morning that they are going to constrict oil production further, it should go above $40 a barrel. That is a very bad sign for this economy and for the American taxpayer, the American family.

The President is silent. He has to tell his Saudi friends they have to come clean. He has a weapon, an ace in the hole at his disposal, and that is the Strategic Petroleum Reserve. In this letter, 19 of us urge him to speak out today before the OPEC meeting tomorrow and shake up the Saudis and shake up OPEC and tell them that, if they don't start producing more oil, we will use our Strategic Petroleum Reserve.

The PRESIDING OFFICER. The Senator has used 7½ minutes.

Under the previous order, the Senator from Illinois is recognized for 7½ minutes.

A GREAT INJUSTICE

Mr. DURBIN. Mr. President, I, too, commend those who were encouraging Condoleezza Rice to come before the 9/11 Commission publicly under oath to tell what she knows about the events leading up to 9/11 and those that followed. The fact she would argue it violated a precedent certainly didn't stand up once we looked at what happened in the past when we had others in her same position testifying before congressional committees.

Now that she has made this decision, along with the White House, to testify, I think it is a positive and good thing. This bipartisan Commission can now ask the hard questions that need to be asked.

I really come to the floor because, frankly, I think it is time for many of us who believe that a great injustice is being committed to speak out. The injustice I speak of is the reaction of this administration to the publication of the book ''Against All Enemies: Inside America's War on Terror'' by Richard Clarke.

To my knowledge, I have never met Mr. Clark nor worked with him. I know nothing about him personally. But I do know for 30 years Richard Clarke has been trusted by Presidents, Republican and Democrats alike, with some of the most important responsibilities in America.

If you read his book, and I have—at least the beginning of his book—you will find in the first chapter that Richard Clarke was the person America turned to on September 11 when we faced the greatest danger and chaos of modern time. He was the one at the controls in the White House, in the situation room, trying to bring some sense to the confusion that was hitting America. He was the one who was involved in working with the Secretary of Defense, the President, the Vice President, the Secretary of State, and all of the agencies of Government, to try to make sure America was safe at one of the most dangerous moments in our history. It is hard to believe this is the same man who has been so roundly discredited now by those in the White House. Those who trusted him on 9/11, who said to him, Use your judgment, your skill, and your experience to keep America safe at our most dangerous moment, are now saying, Richard Clarke cannot be trusted when he speaks out from the heart, from his conscience, about the failures of this administration to prepare for the war on terrorism and to wage that war since 9/11.

Some of the statements that have been made on the floor of the Senate, particularly by the majority leader last week, I couldn't believe as I read the transcript today. I will quote from those statements. In the statement the majority leader said that he is:

> . . . equally troubled someone who would sell a book that trades on their former service as a Government insider with access to classified information, our Nation's most valuable intelligence, in order to profit from the suffering surrounding what this Nation endured on September 11, 2001.

What is missing from this statement and other references by the majority leader is the fact that before Mr. Clarke published this book, it was submitted to the White House. They saw it in advance. If there were any suspicion of the leak of classified information by any agency, there was ample opportunity for them to weigh in before the publication of the book, and they did not do it. It is a false issue to raise today, that Richard Clarke has somehow violated this Nation's trust and disclosed classified information. That is not a fact that can be proven based on the fact that the White House itself had the ability to review that book in advance and determine whether anything crossed the line. To suggest Mr. Clarke is just doing this for the money is, frankly, to discredit him and to discredit a 30-year career in service to this country.

If we look at what is happening to Richard Clarke by this attack machine out of the White House, we see it is nothing new. The same thing happened to Larry Lindsey, an economic adviser to the President who misspoke by saying the war in Iraq was going to cost far more than the Bush administration ever acknowledged. It turned out Larry Lindsey was right, but because he spoke the truth he is gone.

General Shinseki, who misspoke in the eyes of the administration by telling us about the necessary commitment in American troops in a war in Iraq, was roundly criticized. He was the target of their attack.

In addition, Treasury Secretary Paul O'Neill stepped forward with his book, after serving in this administration, talking about some personal experiences he had with this administration and was immediately ridiculed by the people around the President.

Ambassador Joseph Wilson, who has served this country, who has contributed to both Democratic and Republican candidates, had the identity of his wife, who was working for the Central Intelligence Agency, disclosed by Robert Novak, columnist, on a tip from the White House in order to discredit Ambassador Joe Wilson.

In addition, Richard Foster, an actuary for the Department of Health and

Human Services who had the nerve to step forward and say the President's prescription drug program was being sold on false premises and in fact it would cost far more than what the administration was prepared to acknowledge, when he started making that public, they came back at him and said he could lose his job if he spoke the truth.

Then, of course, the Vice President. The Vice President, who wrote an energy bill—and submitted it to Congress—by meeting with special interest groups and basically kowtowing to their interests instead of the interests of America, when put on the spot and asked who were those special interest groups, refused to make that public.

We see not only this effort to attack all critics and debase them and question their motives and their patriotism, but we also find ourselves in a position where this administration has thrown a shroud of secrecy over the most important issues that face their Government. Thank goodness a corner of that shroud has been lifted this morning. Looking under that shroud, we will find Condoleezza Rice coming before this bipartisan commission answering questions, as she should.

What is at stake here is not the reputation of the White House or anyone in the White House. What is at stake here is the security and safety of the United States of America.

Richard Clarke, whether you agree with him or not, stepped forward on a critical issue and was prepared to accept his responsibility for not doing as much as possible. But those who should be joining him in accepting responsibility have instead turned on him and attacked him personally. That is not new in Washington, but it has reached a new depth in this particular instance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 7½ minutes.

Ms. STABENOW. Thank you, Mr. President.

I first want to thank my friend from Illinois for his usual eloquence, and our leader and others who have spoken about what has been happening under an administration that chooses to fight those who state their opinions, face the facts, and give us information rather than working with us to make sure we have the best information; working with us to make sure the decisions we make are the right ones.

MEDICARE

Ms. STABENOW. Mr. President, I want to speak about Medicare today, and the fact that one of those who stood up and was prepared to give us information is the Medicare actuary Richard Foster.

We now know he was told if he gave up information about the cost of the Medicare bill that passed last year before we voted on it, he would face being fired. We have heard this repeated over and over in different ways about people who had the courage to stand up and disagree—or in this case a career public servant who was trying to do his job.

We find now on this Medicare bill that as we look more closely, over and over we are deeply disturbed by what has unfolded relating to the Medicare bill.

As I indicated over and over on the floor before we passed the final version, this is clearly about what is in the interest of the pharmaceutical industry and the insurance industry in this country—not in the best interests of seniors, not in the best interests of consumers or taxpayers. Piece by piece, we are seeing major flaws in this law; in fact, so much so that we are seeing comments from colleagues. Our colleague from Mississippi, Senator LOTT, has indicated now if it were to be done over he would in fact change his vote. I wonder how many others would be doing the same thing given what we have found.

This law does nothing to lower prices for Medicare recipients and families, which should be one of the primary goals. That should have been at the top of the list for us to do. Despite the passage, in fact, of something that would lower prices—what we call the reimportation of prescription drugs or the ability to allow the local pharmacist, say, in Michigan or across the country to do business with pharmacists in other countries such as Canada to bring back prescription drugs at half the price; most of them are made in the United States, and American taxpayers helped subsidize the research to make them. But instead of allowing that to happen—to lower prices, in fact, up to 70 percent in some cases—we saw nothing in the final bill.

The law prohibits the Medicare program from using its purchasing power to lower prices, which is stunning. What organization doesn't want to purchase in bulk in order to lower prices? Yet the Medicare legislation that passed specifically prohibits that from happening. There is only one group that benefits from that.

The law, as we know, would also lead to about one in four retirees losing their private coverage, if they have retiree coverage, given the way it is designed. My latest concern relates to what is happening with the discount cards in the legislation.

One thing we thought at least would be helpful—not as much as allowing us to bring back lower cost prescription drugs from Canada and from other countries, but something we had hoped would help a little bit—would be the discount card that was put in place which was supposed to provide from a 10 percent up to a 25-percent discount on prescription drugs.

But just as Health and Human Services announced which companies would be providing the discount cards, we also learned the meager savings these cards might offer is being eaten up by the continued explosion in prescription price increases.

As reported in the Wall Street Journal, the prescription drug provision for our seniors and the disabled increased nearly 3½ times faster than the overall inflation rate in 2002. Because there are no checks or controls or accountability on these prices, the discount cards are very vulnerable to gaming by the pharmaceutical industry.

What do I mean by that? For example, the wholesale price for Lipitor or Zoloft went up 19 percent in the last 2 years. The pain reliever Celebrex went up 23 percent. Their producer has said these increases are among the most moderate pricing in the industry.

We are seeing great increases so that any kind of a discount now will be based on an inflated price, not providing relief for seniors.

I am very concerned. We are hearing from Families USA, which we know is a consumer health care advocacy group. They have now laid out four concerns they have which I will share regarding discount cards.

Their first concern is they say neither the new law nor the legislation specifies the base price on which the discounts will apply. Gains in the base price are going up dramatically, and we are going to give a 10 or 15-percent discount, or even a 30-percent discount. But the price has gone up 40 percent. You are not getting much of a deal.

Second, under the Discount Card Program, sponsors are required to pass on to cardholders only an undefined share of the rebates they get from drug manufacturers, and they can keep the remaining savings as profits. They are not required to pass on the entire amount of savings from the manufacturers to our seniors.

I know our leader Senator DASCHLE has a bill that would correct that, of which I am cosponsor, and I hope very strongly we will be able to pass it.

The regulations foster, in fact, also what is called bait-and-switch schemes so that people go into a particular card, and then things are switched. What is amazing is while the senior is locked into a specific card for 7 days, the size of a discount can change. Seniors are locked in but the provider is not.

Finally, there is a $600 credit, which is positive for low-income seniors, that is applied to these cards. However, with the low-income asset tax and new, very cumbersome paperwork involved, we are not sure how many low-income seniors will actually receive the discount.

We can do better than that. If we were simply to do what the House of Representatives did in a strong bipartisan vote a number of months ago, we would be able to immediately drop prices at least in half with reimportation.

I urge my colleagues to get serious and pass that bill.

Thank you, Mr. President.

Mr. REID. Mr. President, have we used all of our time?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds.

Mr. REID. Mr. President, I reserve that. But I note when we get to the bill

that a number of Members on this side indicate they would object to extending the vote past 12:45. Everyone should understand that. The managers of the bill—and I have spoken to our manager, Senator BAUCUS—understand that. If anyone tries to extend the time past 12:15, there will be an objection. We will vote at 12:15.

The PRESIDING OFFICER (Mr. BENNETT). Is there any objection to reserving of the minority's time? Hearing none, the time is reserved.

The Senator from Wyoming.

WELFARE REFORM

Mr. THOMAS. Mr. President, I rise today to talk about the issue before the Senate. The previous comments this morning sounded like a political rally. We ought to talk about the issues before the Senate instead of spending all our time criticizing the President.

We have before the Senate welfare reform, to extend what we have done in the past. Welfare reform has been a remarkable success story for millions of people. Welfare reform is working because former recipients are working. Families once dependent on welfare checks are now looking forward to the independence of a paycheck. That, of course, has been the purpose of the program. Through the years it has been very successful.

This bill deals with the effort to provide meaningful work and more opportunity for welfare recipients to move off welfare, to promote healthy families, to provide opportunity for health and marriage programs, to give States the flexibility to continue to work on the programs they have had.

We are very pleased this is now before the Senate. As a Finance Committee member who has worked on this for a very long time, it is something that we need to pass and make available to people in this country.

The legislation before the Senate, H.R. 4, the Personal Responsibility and Individual Development for Everyone Act, makes the necessary changes in existing law to make it even more of a success. America began a war on poverty more than three decades ago. However, the good intentions of that policy produced conflicting results. Seniors were lifted out of poverty, poor families received basic health care, and disadvantaged children were given a head start in life.

Many Americans were injured by that helping hand. The welfare system actually became an enemy of individual efforts and responsibility. As dependence passed from one generation to the next, the vicious welfare cycle began for some families.

Between 1965 and 1995, Federal and State welfare spending increased from $40 billion to more than $350 billion per year. However, all this money produced virtually no progress in reducing child poverty.

In August 1996, Congress passed a progressive welfare reform law that transferred welfare benefits into temporary help, not into a permanent way of life. The new system honors work by requiring all able-bodied recipients to work or go back to school to further their education.

The goal of the 1996 welfare reform law was to give participants a strong, time-limited support system as they developed long-life skills that encourage independence.

That is the purpose of this entire program. It has been successful. It provides childcare funding to help families meet the work requirements while limiting the benefits to 5 years. States must promote self-sufficiency. They are given the flexibility to reach that goal.

The following results of the 1996 landmark welfare reform bill speak for themselves. From August 1996 to June 2003, the number of families on welfare fell from 4.4 million to 2 million, a 54-percent decline. In the same time period, the number of individuals fell from 12.2 million to less than 5 million, a decline of 60 percent. From 1996 to 2002, child poverty went from 20.5 percent to 16.7 percent. This represents a reduction of over 2.3 million poor children.

Child poverty rates among African Americans and Hispanics were at or near record low levels. The percentage of never married working mothers increased from 49.3 in 1996 to 65 percent in 2002. Childcare funding has continued at record levels. Let me say that again: Childcare funding has continued at record levels. We are going to be faced with a resolution shortly to increase that. The fact is, we have had ample dollars in the past. We have fewer people now and all different kinds of programs going into that. I hope we do not add $6 billion to the cost of the program.

State and Federal funding for childcare from the childcare development block grant, TANF, and social services block grant increased from $3.2 billion in 1996 to $11.8 billion in 2003. In 2003, an estimated 2.5 million children will receive subsidized childcare from these funding sources. From 1996 to 2003, child support collections increased from $12 billion to $21 billion. This demonstrates a pattern of success, moving people in the direction this was designed to move them.

Wyoming, my home State, has had particularly good luck. In the wake of these changes, welfare reform has been phenomenal. In fact, the number of individuals receiving assistance has dropped approximately 90 percent since 1994. This was accomplished with total weekly hour requirements of work of 40 hours, which is above and beyond the current law. That is what is in the reauthorization bill before the Senate.

Last year, Wyoming received a $19.9 million bonus for reducing the out-of-wedlock birth rate.

Wyoming also has over $30 million in reserve funds they are able to use when this bill is passed. This increased flexibility will not only help my State keep folks off the welfare rolls, but provide assistance to childcare and other expenses while continuing on their path of self-sufficiency.

I am very proud of my State's success. Our experience proves welfare reform is a strong and comprehensive policy to uplift and empower people to be able to earn for themselves. I am encouraged by the initial results of welfare reform, but there is still a lot of work to do.

I support the chairman's bill because it does the following: It increases work hours to 34. This is better to prepare recipients for full-time employment. I would like to see that number of work hours be increased to 40. Wyoming has made that work well.

This creates a partial credit system for States doing everything they can to make this even better. We have increased childcare spending by $1 billion over 5 years. It allows the States to use Federal money no longer used on cash assistance. Increased flexibility allows for more activities.

I hope we move this out of committee. We have been deferring it by extending the old bill. We need to put the new bill into place. We need to stop the uncertainty for the States as to what we are doing.

I thank Chairman GRASSLEY for his leadership. I hope we can move this week to conference and keep our commitments to equip TANF recipients with the skills they need to take care of themselves and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. ENSIGN. Mr. President, I will talk a little about jobs this morning.

How much time remains on the Republican side?

The PRESIDING OFFICER. The majority has 21 minutes 40 seconds.

Mr. ENSIGN. Mr. President, is there a unanimous consent on how the time is divided on our side?

The PRESIDING OFFICER. There is not.

Mr. ENSIGN. I ask unanimous consent I have 10 minutes of the remaining 21 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, might I ask for 10 minutes after the Senator completes his remarks?

The PRESIDING OFFICER. Does the Senator propound a unanimous consent?

Mr. BOND. I propound a unanimous consent request I be recognized for 10 minutes following Senator ENSIGN.

Mr. BAUCUS. Reserving the right to object, might I ask the Chair when we are scheduled to go back on the bill?

The PRESIDING OFFICER. The majority has 21 minutes remaining, and the minority has reserved 1 minute 10 seconds. When that time has expired, we will return to the bill.

Without objection, the request of the Senator from Missouri is agreed to.

The Senator from Nevada.

JOBS

Mr. ENSIGN. Mr. President, I rise to talk about jobs in the United States and something that is happening to our country. We have very complex international tax laws. To go into them, people's eyes would glaze over in complete boredom. Suffice it to say, because of the complexities, we have tried over the years to get U.S. companies on a more level playing field.

In the past year, the international bodies that have jurisdiction have ruled against the United States versus the European Union regarding the way we treat U.S. companies doing business outside of the United States. Therefore, because we have not fixed our laws, they have decided to put a 5-percent tariff on many of our manufactured goods. Starting this month and for every month thereafter, that 5-percent tariff will be raised by 1 percent. As a matter of fact, by this time next year it will be up to 17 percent, which puts American manufacturers at a tremendous global disadvantage when compared to the European Union.

If Members care about manufacturing jobs in this country, it is important this body bring back the JOBS bill that we had before us in the Senate last week that was filibustered and get it passed.

The other side keeps talking about, manufacturing jobs and exporting jobs and outsourcing. If people really care about manufacturing jobs in this country, we will bring the JOBS bill back up to the floor and get it voted on and get it worked out between the House and the Senate and get it down to the President so he can sign it into law so we can start giving more help and more relief to manufacturing jobs in this country.

Let me read a quote from the Washington Post of last week, quoting a Democrat tax aide saying:

> There's not a lot of incentive for us to figure out this [FSC–ETI] problem.

That is the problem I just talked about with the international tax laws with our country and the tariffs.

The Democrat aide went on to say that ''allowing the ETI problem to fester would yield increased sanctions that could benefit the Democrats in November.''

Well, if this is true, this is an appalling statement. This debate should be about policy, not petty politics.

So let's look at what is inside of this JOBS bill.

Not only would it end the $4 billion a year of tariffs against U.S. exports—and, by the way, those exports include grain, timber, paper, and manufactured goods. I realize, for some, this may be too politically tempting to let pass by—but this bill, by ending those tariffs, would put us on a more level playing field with European Union companies.

The CBO says we have lost 3 million manufacturing jobs in the United States since the year 2000. We have been losing gradually, since the late 1970s, manufacturing jobs in the United States. That is part of the entire global economy, but it is important that we at least allow U.S. jobs to be on a level playing field.

The JOBS bill to which I referred, that was being filibustered, provides $75 billion of tax relief to our manufacturing sector to promote rehiring in U.S.-based manufacturing firms.

This JOBS bill gives a 3-percentage-point tax rate cut on all income derived from manufacturing in the United States—it is not for manufacturing offshore—and we start those cuts in this year. This manufacturing rate cut applies to sole proprietors, partnerships, farmers, individuals, family businesses, multinational corporations, and even foreign companies that decide to set up operations within the United States and provide jobs in the United States.

The bill also extends the R&D tax credit through the end of the year 2005. Now, the R&D tax credit is absolutely a jobs producer in the United States. It is for doing research and development, which betters our companies, which betters our economies, and creates high-paying jobs in the United States.

The bill also extends, for 2 years, the tax provisions that expired in 2003 and in 2004, such as the work opportunity tax credit and the welfare-to-work tax credits—obviously, important pieces of legislation.

The bill also provides incentives for newly constructed rural investment buildings, for starting or expanding a rural business in rural high-outmigration counties.

The JOBS bill includes brownfields revitalization. Those are inner-city areas. Because of environmental concerns, frankly, many inner cities have dying areas because companies cannot go in. Because of the environmental liability of what somebody dumped there before, they cannot go in and create jobs in the inner cities. That is why it is important we get this part of the bill done.

I also want to now talk about what I think is probably the most important part of the tax bill, and it is called the Invest in the USA Act, a bill that I have sponsored with Senator BARBARA BOXER of California.

This bill would allow U.S. companies that have invested abroad—they have a little over $600 billion invested that they have made money on and they have sitting in their bank accounts overseas. If they bring that money back to the United States, they will pay up to a 35-percent tax on it. There is not a lot of incentive for them to bring the money back. Other countries do not treat their companies that way, so they are able to actually bring the money back to their countries to create jobs in their countries.

This past weekend, Senator KERRY talked about that issue. He now supports the idea of giving a tax break for the money coming back into this country. Last year, we had a vote on our bill, and all 50 Republican Senators and 25 Democratic Senators agreed it was time to bring this money home at a very low tax rate—a 5.25-percent tax rate.

Senator KERRY has now embraced the idea of bringing it home, but he wants it taxed at 10 percent. The problem with taxing it at 10 percent is, because of the low cost of borrowing money today, it would actually be cheaper for the companies to borrow money in the United States than to pay the 10-percent tax and bring these funds home. So Senator KERRY recognizes it is a good thing to bring the money home. Unfortunately, the fix that he has will not bring the money home.

The bill that Senator BOXER and I have proposed, that received 75 votes on the Senate floor, and now is part of the big JOBS tax bill, does bring the money home. Estimates are that it will bring at least $400 billion to the United States. That is a lot of money. As a matter of fact, that is more money than was raised in all of the initial public stock offerings from 1996 to 2002. That is a huge stimulus to our economy. That will produce a lot of good-paying U.S. jobs that we so desperately need right now.

The economy is growing. GDP is up. There are increases in productivity. We are obviously doing well with home sales. Where we are not doing as well as we would like is in the area of new job creation. There are a lot of new self-employed jobs that are being created, but on the payroll survey many of those jobs are not being reported.

This bill—for those who want to increase and extend the temporary unemployment insurance benefits, for those who want to do all kinds of Government programs—will make those types of provisions unnecessary.

So if the Democrats in the Senate want to do something about jobs for this country, they will quit trying to put all kinds of extraneous provisions onto the bill, and we will get a jobs bill done this year.

Mr. President, I yield the floor.

Mr. KENNEDY. Will the Senator yield?

Mr. ENSIGN. My time has expired.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair, and I thank my colleague. I thank my colleague from Nevada, particularly, for talking about the importance of the FSC/ETI bill because today jobs are a critical need in our country.

Yes, we see signs that the economy is recovering, but we are not seeing the growth in jobs. Now the unemployment rate is down to 5.6 percent. Obviously, we all would like to see it lower. There are a number of steps that we can take, and I think passing a good highway bill is one such step.

There are a number of steps that would be very harmful if we took them. I think, as we talk about jobs and the very volatile subject of insourcing and outsourcing, we need to understand what this is all about.

I was interested this weekend when I read an old story that apparently had been in the papers in Missouri for some time, but it was rerun in my hometown paper. When Missourians call a toll-free number about their food stamps or welfare benefits, the response comes from India. The State of Missouri has contracted with a call center operator. It is about a $6 million annual contract, which I guess was the best contract at the time that Missouri could get. They signed the contract, and now those jobs have been outsourced to India.

This is something we hear a lot about. People are complaining about outsourcing. A very interesting figure was in the Wall Street Journal maybe 10 days or so ago which talked about both sides: jobs going overseas and jobs coming back. And they came up with the startling figure that—I think it was for 2003—there was $74 billion worth of outsourcing.

The United States spent $74 billion outsourcing to other countries, but at the same time insourcing came to $131 billion, so that is a $54 billion net increase in investment in jobs in this country.

We have done a little work and found out there are about 105,000 Missourians who have jobs with foreign companies in the State. I met with the officials from the fine Webster University in St. Louis. They have done some outsourcing. They have three campuses in China that provide long-distance learning to people throughout Southeast Asia. I can't tell you how many people, as I have made trips overseas to promote export of Missouri products and services, have told me they are getting their degree from Webster University.

The question of outsourcing and insourcing has two sides. It is absolutely important to not do any harm to jobs that are coming into this country. But most importantly, we must make sure we don't do anything in Government that forces jobs out of this country. The FSC/ETI bill is vitally needed. We need to pass it. We need to get conferees appointed on the Workforce Investment Act. We need to train people so they will have the jobs.

I also focused this week on a battle we had on the energy bill. CARL LEVIN and I were successful in getting bipartisan support for the Bond-Levin amendment which imposed reasonable standards for increasing fuel economy in autos, vans, and light trucks. We were fighting against something that, as you look at it, would possibly have led to a significant decline in U.S. jobs. The Kerry-McCain amendment would have significantly increased CAFE standards, and this could have penalized full-line manufacturers. Those manufacturers—Ford, Daimler-Chrysler, General Motors—have plants in Claycomo, Hazelwood, Fenton, Wentzville, MO, where working families have good jobs in the auto industry that were put at risk.

I was very interested to go back to my files and find some letters from the UAW. In one, dated February 26, 2002, President Steve Yokich wrote urging support for the Bond-Levin proposal, saying the Hollings-Kerry proposal discriminates against the big three auto companies. On the second page, it says:

> The UAW continues to support improvements in CAFE that are economically and technologically feasible, and are structured in a manner that is fair and even-handed towards all companies. But we strongly oppose changes such as the Hollings-Kerry proposal that call for increases that are excessive and are structured in a manner that would discriminate against the Big Three automakers or facilitate the outsourcing of small car production to other countries. Such proposals would result in serious job losses for thousands of UAW members and other automotive workers.

We have to be careful as we look at regulatory efforts that might drive jobs out of the country.

Alan Reuther wrote on March 13, 2002, saying the Kerry-McCain amendment would mandate an excessive discriminatory increase in fuel standards that would directly threaten thousands of jobs for UAW members and other automotive workers in the country and would enable the big three auto companies to outsource their small car production to other countries, resulting in the loss of additional jobs.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UAW,

Washington, DC, February 26, 2002.

DEAR SENATORS: This week the Senate is expected to take up energy legislation covering a wide range of issues. The UAW strongly opposes the proposed changes in the Corporate Average Fuel Economy (CAFE) program which have been put forth by Senators Hollings and Kerry. We urge you to oppose this proposal, and to support the substitute CAFE proposal that will be offered by Senators Levin and Bond.

The Hollings-Kerry CAFE proposal would raise fuel economy standards for both cars and light trucks to 35 miles per gallon by model year 2013. The UAW opposes Hollings-Kerry CAFE proposal for three reasons:

(1) The Hollings-Kerry proposal increases CAFE standards much too high and too quickly. The magnitude of the proposed increase exceeds even the most optimistic scenarios projected by the National Academy of Sciences (NAS), and the proposed timeframe for vehicles to meet that increase is substantially less than the NAS projection. Under the Hollings-Kerry proposal, light truck fuel economy would have to jump almost 70 percent to meet a 35 mph standard—one-and-a-half times higher than even the most ''optimistic'' NAS projections. Significantly, the cautious NAS projections only indicate an average fuel economy increase of about 25 percent for light trucks and 10 percent for cars by model years 2014 to 2019, far below and later than what would be required under the excessive Hollings-Kerry proposal. In addition, the increase proposed by Hollings-Kerry would be made even more extreme by their other proposals that would tighten testing requirements and change the definition of light trucks to include vehicles up to 10,000 lbs.

(2) The Hollings-Kerry proposal discriminates against the Big Three auto companies. The Hollings-Kerry proposal applies a flat miles per gallon increase to current CAFE standards and also requires the standard for light trucks to be harmonized upward to the substantially higher level established for passenger cars. This approach would impose a much heavier burden on the Big Three auto companies compared to other automakers because the Big Three's product mix is much more oriented towards larger cars and light trucks. Under the Hollings-Kerry proposal, the Big Three would have to increase their fuel economy by 40–50 percent compared to less than a 15 percent increase for Honda. The net result is the Big Three could be forced to curtail production of larger vehicles, resulting in serious job loss for UAW members and other workers.

(3) The Hollings-Kerry proposal would undermine continued full-line domestic vehicle production by making it easier to outsource small car production to other countries. The Hollings-Kerry proposal gives the National Highway Traffic Safety Administration (NHTSA) discretion to eliminate the distinction in the current CAFE program between domestic and foreign car fleets. If this distinction were eliminated, the Big Three auto companies would be able to outsource their small car production to other countries. This is because they would no longer be required to average the fuel economy of more efficient, domestically built small cars with less efficient larger cars produced here. In addition, by establishing a CAFE credit-trading program, the Hollings-Kerry proposal would also give the Big Three automakers the ''flexibility'' to outsource their small car production to other countries. Taken together, these provisions could result in the loss of thousands of additional automotive jobs in this country.

The UAW continues to support improvements in CAFE that are economically and technologically feasible, and are structured in a manner that is fair and even-handed towards all companies. But we strongly oppose changes such as the Hollings-Kerry proposal that call for increases that are excessive and are structured in a manner that would discriminate against the Big Three automakers or facilitate the outsourcing of small car production to other countries. Such proposals would result in serious job loss for thousands of UAW members and other automotive workers.

We understand that Senators Levin and Bond will offer a substitute CAFE proposal that would require the Department of Transportation to complete a rulemaking within 15 months to increase fuel economy standards for both cars and light trucks. This substitute directs DOT to consider a wide range of factors, including technological and economic feasibility, the costs and lead time required for the introduction of new technologies, the disparate impacts on manufacturers due to differences in product mix, and safety considerations. In addition, this substitute would require DOT to continue the existing distinction between foreign and domestic fleets. The UAW believes the Levin-Bond proposal represents a more balanced approach that would lead to significant improvements in fuel economy without jeopardizing thousands of good paying automotive jobs in this country. Accordingly, we strongly urge you to vote for the Levin-Bond substitute and against the Hollings-Kerry proposal.

The auto industry is already experiencing significant economic difficulties, and the Big Three automakers have announced widespread layoffs. In light of this background, the UAW submits that this is not the time to impose onerous, discriminatory fuel economy standards on the auto companies that will only lead to further jobs loss, with potentially adverse impacts on the overall economy.

Thank you for considering our views on this priority issue that directly affects the jobs of thousands of UAW members and other workers.

Sincerely,

ALAN REUTHER,
Legislative Director.

UAW,
WASHINGTON, DC,
March 13, 2002.

DEAR SENATOR BOND: Today the Senate is scheduled to vote on amendments dealing with the CAFE issue. The UAW strongly urges you to vote for the Levin-Bond substitute and against the Kerry-McCain amendment.

The Levin-Bond substitute would require the Dept. of Transportation to issue new fuel economy standards on an expedited basis, after taking into consideration a wide range of factors, including employment, safety, technology, economic practicability and the relative competitive impacts on companies. The UAW supports this substitute because we believe it will lead to a significant improvement in fuel economy, without jeopardizing the jobs of American workers.

In contrast, the Kerry-McCain amendment would mandate an excessive, discrimatory increase in fuel economy standard that would directly threaten thousands of jobs for UAW members and other automotive workers in this country. The 36 mpg fuel economy standard that would be required by Kerry-McCain for both cars and trucks goes far beyond even the most optimistic projections by the National Academy of Sciences. In addition, the structure of the proposed fuel economy increases—a flat mpg requirement for both cars and trucks—would impose a much heavier burden on the Big Three automakers and jeopardize production and jobs associated with their large car and truck plants. Furthermore, by eliminating the distinction between foreign and domestic car fleets, the proposal would enable the Big Three auto companies to outsource their small car production to other countries, resulting in the loss of additional jobs.

The UAW believes it is critically important that any increases in fuel economy standards be economically and technologically feasible, and that they be structured in a manner that does not jeopardize jobs in this country. To accomplish this objective, we believe the Senate must approve the Levin-Bond substitute, and reject the Kerry-McCain amendment.

Thank you for considering our views on these two priority votes.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. BOND. The last time I spoke on this, I pointed out there were a number of other things we have done that really do endanger jobs. I mentioned the small engine proposal where, fortunately, we were able to stop the California Air Resources Board from mandating the use of catalytic converters on small engines for lawn mowers, leaf blowers, and chainsaws that would have forced the closure of plants in the United States that make those small engines and in all likelihood outsourced 22,000 American jobs to China.

I also talked about asbestos litigation which has driven much of the refractories business out of the United States because of the excessive burden of the asbestos claims. We need to move on a good asbestos reform bill to pay those who are truly sick and stop the jackpot justice for plaintiffs' attorneys who seek to sue anybody who has had anything to do with asbestos, whether plaintiffs are sick or not.

Finally, natural gas is a major source of outsourcing right now. Not only does it hit homes that heat with natural gas with high bills; it puts heavy costs on farmers who use fertilizer coming from natural gas. The artificially inflated demand Congress has mandated and the artificially constrained supply Congress has mandated have pushed the cost of natural gas so high that many natural gas producing industries have had to move their operations to other countries where the demand is not artificially inflated and the supply is not curtailed.

We are outsourcing jobs because of our policy on natural gas. We have forced natural gas use in electric generating boilers which is not an effective use of that valuable commodity. We need a good energy bill. We need to stop the filibusters and get an energy bill done. We need to move forward on the asbestos litigation reform bill. We need to move forward on the FSC/ETI bill. All of these are being filibustered or stopped or delayed, and we need to get about it.

We need to get the Workforce Investment Act. We need to appoint conferees so we can train these people. One of the great needs is for more workers with scientific engineering and technological backgrounds because those are the jobs of the future. We need to train them. Senator MIKULSKI and I need money in the VA–HUD bill to increase the National Science Foundation so they can develop more student interest in basic science and get more minorities and women involved. We have a lot of challenges to meet the changing needs of the job force in the 21st century. Rather than bloviating about one part of the problem, we need to fix the entire problem.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania is recognized for 20 seconds.

WELFARE REFORM

Mr. SANTORUM. Mr. President, I can't imagine what I am going to do with all that time. I thought there might be a few more minutes.

I look forward to this welfare reform debate. I hope we can have a good and enlightened debate on an issue that is vitally important for millions of Americans and that we keep to the subject of welfare, try to pass this bill, get it to conference and get a bill done this year to help millions more leave poverty and get gainful employment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield our remaining time for morning business to the Senator from Vermont, and I will yield additional time to him once we are on the bill.

The PRESIDING OFFICER. The Senator from Vermont.

CHILD CARE AMENDMENT

Mr. JEFFORDS. Mr. President, I rise today to discuss the Snowe-Dodd amendment to add $6 billion more in child care funding to the welfare bill that is before the Senate.

There is no issue more important than child care assistance in the context of this reauthorization. I commend Senators SNOWE and DODD for their leadership on this issue.

Child care assistance is critical for a number of reasons.

First, there is a strong connection between access to child care and the ability of parents to join and stay in the workforce.

Second, quality child care is critical to building the foundations for school readiness and later academic success.

Third, states are facing tough economic times and they are cutting back on support for child care. Our children need additional help from the Federal Government.

Child care is the No. 1 issue facing families today. Seventy-five percent of American children under the age of five spend at least part of their day in child care.

In Vermont, over 80 percent of women with children under the age of six are in the workforce.

Without access to child care, these families are often forced to leave their employment and seek public assistance.

We must support additional child care funding in order to support low-income parents and help them remain in the workforce.

Quality child care helps lay the groundwork for school readiness and success later in life. We know that the most crucial time for a child's brain development is from birth to 5 years old.

Elementary and secondary education are extremely important.

But without a positive, high-quality experience in the earliest stages of development, too many children are set up for failure in elementary, middle and high school.

By adopting the Snowe-Dodd amendment, we will give more parents the power to choose high-quality child care for their children and give those children the opportunity to get the most out of their early years.

If we are truly serious about closing the achievement gap among our students, and between the United States and our international competitors, then funding for high-quality early childhood care is the place to begin.

The States are facing tough financial situations. The General Accounting Office found that since January 2001, twenty-three States have made changes that would decrease the availability of child care assistance; while only nine States made changes that could increase child care availability.

I want to underscore this point.

According to the GAO, nearly half of the States are decreasing the availability of child care for working families. And this report may just be the tip of the iceberg. Federal funding is critical to reverse this trend.

My colleagues must understand the importance of this issue. By adopting this amendment, we can help families move off of welfare permanently. Or we can prevent them from needing welfare assistance in the first place.

I see this amendment not as a choice, but as a necessity. I urge my colleagues to support the Snowe-Dodd amendment, to support our working families and to support our youngest children.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time under morning business has expired. Morning business is closed.

PERSONAL RESPONSIBILITY AND INDIVIDUAL DEVELOPMENT FOR EVERYONE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

Pending:

Grassley (for Snowe) amendment No. 2937, to provide additional funding for child care.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the time until 12:15 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in support of H.R. 4, the Personal Responsibility and Individual Development for Everyone Act, called the PRIDE Act.

Throughout our Nation's history, we have seen wonderful examples of individuals, with a little drive and ambition, seizing one of the abundant opportunities this great Nation has to offer, and move, literally, from nothing in their pockets to a lifetime of incredible success.

That being said, up until 1996, this notion of America being ''the land of opportunity'' was nearly unknown to millions of welfare recipients who were bogged down by the stifling, cash assistance welfare system our Nation had embraced for over 100 years.

With the enactment of the Temporary Assistance for Needy Families legislation—we call it TANF—in 1996, that all changed. We offered individuals who had previously been shut out of the American dream the opportunity to eliminate poverty and move their families toward the empowering goal of self-sufficiency.

Welfare reform has been one of the most successful social policy reforms in U.S. history. We have seen millions of people focus their energies and efforts on their responsibilities and acquiring an attitude of providing for themselves. They have learned it by daily practice.

Nearly 3 million families have been lifted out of poverty. Employment by mothers most at risk to go on welfare has risen by 40 percent since 1995. Each of us in this body is encouraged to see the profound, positive effects TANF has had on the lives of those who require temporary assistance.

Caseloads are down 58 percent, and assistance recipients are working more than ever before. Thus, these hard-working people are leading themselves back to self-sufficiency.

As the Department of Health and Human Services has reported, welfare caseload reductions are primarily a result of implementing the welfare reforms contained in the original TANF legislation—and not merely due to the robust economy of the late 1990s.

I think we also need to recognize that the States themselves have held the key to the success of these programs by taking advantage of the flexibility built into the original TANF legislation.

Many States throughout the Nation have offered welfare plans and created specific, effective programs that are working well with their constituencies. The States' work has been well documented, as many States have reported caseload declines of over 70 percent since 1996.

TANF funds transferred by the States and used for childcare funding have also been an enormously positive development, and States are matching Federal spending in the area of childcare.

This is creating a good foundation where working parents can go back to work knowing that their children are being well cared for. I need only look to my home State of Utah to see the successes of the 1996 TANF law.

Since August of 1996, TANF rolls have decreased over 45 percent, while the quality and professional attention given to recipients has been steadily going up.

Utah has been a pioneer State in the development of personal, value-added attention and planning for those who are receiving assistance. Universal engagement of every assistance recipient is a necessity, and I applaud my home State of Utah for leading the way in this area. I also thank Chairman GRASSLEY for putting the provision in the bill.

My home State has also pioneered work in the promotion of marriage and family formation. Under then-Governor Michael Leavitt, Utah was the first State in the Nation to form a commission on marriage, which was charged with the overreaching goal of strengthening marriages in Utah. I am pleased to see this bill includes $200 million in matching grants for States to provide marriage promotion and responsible fatherhood programs.

The marriage unit is the most fundamental in society. If the bond of marriage weakens, so does our society, including the rising generation. It is widely recognized that a healthy, loving marriage between a man and a woman not only provides great personal happiness, it also creates the safest place for children to thrive and benefit from the full emotional, moral, and educational benefits that two married parents can provide.

I also commend President Bush for his commitment and efforts to strengthen healthy marriages.

Let me turn to another important component of the bill, the family self-sufficiency plan. Under current law, States are under no obligation to understand and assess the circumstances of each recipient receiving assistance. However, under the universal engagement provisions of this bill, it will be incumbent upon each State to meet with each recipient and create a plan, using all the support tools available to the State, to help the recipient achieve self-sufficiency.

This is a very important measure because it seeks to give each and every recipient a roadmap toward independence and success—a light at the end of the tunnel. It also signals to States that all TANF families deserve a chance to become self-sufficient and no one can be left to fall through the cracks in the system.

In Utah, I have seen that many of these parents, hard-working people, young and old, end up finding great self satisfaction in giving their gift of skill at work, at giving themselves to a task at hand so thoroughly that they have a meaningful relationship with their work. I think we will all agree that sometimes it is not easy to dive into your work with enthusiasm, but sometimes it is necessary and appropriate.

That is why it is so important that the work requirements are increased in this bill. The core work requirement is increased from 20 hours per week to 24 hours per week. Total hours required for a State to receive full credit increases from 30 hours per week to 34 hours per week for single-parent families. These are sensible, reasonable requirements.

Two-parent families will be required to work 39 hours per week, or 55 hours per week if they receive subsidized childcare. States will receive partial credit if individuals work 20 hours per

week, and extra credit if they work more than 34 hours per week. Current law provides full credit only at 30 hours.

Again, these changes in the current law will help us make real progress.

It seems obvious that the more a person sets goals and takes responsibility for the career they want, the more they will be able to decide if a particular job fits into the scheme of their life. The harder they work—that is, the more hours they work—the more they understand why they are working at a particular job and how their hard work will benefit their individual families.

I believe the most important new provision in this bill is the establishment of a meaningful State participation rate. For years now, States have had no reason to actively recruit adults into industrious work and work-related activities. Under this bill, States would be required to have 70 percent of their caseload involved in approved work activities by the year 2008. This would require States to significantly ramp up their efforts to engage a much greater number of families in activities that count toward the work participation rate.

Right now, the majority of adults receiving assistance are reporting zero hours of activity. It is time we recognize that with an effective participation rate, and by the elimination of the caseload reduction credit in the 1996 welfare law, we will encourage people to commit to careers, to goals, to real recovery.

Another striking result I would like to note has been the effect of welfare reform on African-American children. For the 25 years before welfare reform, before the TANF bill in 1996, the percentage of African-American children living in poverty remained virtually unchanged. But since welfare reform, the poverty rate among those children has dropped from 41.5 percent in 1995 to 32.1 percent in 2002—still way too high, but it has been a definite, dramatic drop, and TANF deserves most of the credit for that situation. About 1 million African-American children—roughly the entire population of Dallas, Detroit, or San Diego—are no longer in poverty because of welfare reform.

There is still much to be done. Currently, 58 percent of those on welfare are not working or training to work, and 2 million families remain completely dependent on welfare for their survival. The full potential of this legislation has not been realized because of lax enforcement and efforts to undermine the principles and goals of reform. Let's look at this.

Among poor families with children, one-quarter to one-third do not work at all. The rest work sometimes, but not full time or year-round.

Only a fourth of poor families have full-time employment, and by that I mean 40 hours a week throughout the year. Because of this low rate, many remain poor.

Overall, among all poor families with children, most adults work only 16 hours a week whether the economy is good or bad. If all poor families with children had just one full-time adult employed year-round 40 hours a week, America's child poverty rate would drop dramatically. Many poor families would immediately be lifted out of poverty.

Last September, with my support, the Finance Committee reported this bill to reauthorize TANF and other programs for the next 5 years and to strengthen welfare reform further. This would greatly increase work requirements for working families so that 70 percent are participating in work or job preparation activities by fiscal year 2008.

All recipients should work full time either in a job or in programs designed to help them achieve independence. A 4-week cushion is included for vacation and sick leave, simulating a typical work schedule in the United States. And the plan makes special accommodations for parents with infants and individuals who need substance abuse treatment, rehabilitation, or special training.

One area of concern for me, and the citizens of Utah, is the difficulty many recipients will have in meeting the work requirement when they are unable to defeat an addictive drug habit or suffer from a devastating disability. I suspect many of those individuals who remain on welfare are those with drug dependencies or other ailments that are difficult to treat.

Under the current bill, only 3 months of rehabilitation services may be counted as an acceptable activity. In the Finance Committee, I offered an amendment that was adopted that extends this credit an additional 3 months as long as the State deems it necessary and the recipient is engaged in increasing amounts of work or job-readiness activity. I hope my colleagues agree with me that this is the right way to help these individuals get free of dependency and find meaningful employment.

Another amendment of mine that was included in the committee bill established a pre-sanction review. Families in Utah who are in need of services, such as substance abuse treatment, must receive the assistance they need to overcome barriers to employment. This is why I believe States must conduct a pre-sanction review before taking action against parents who are considered noncompliant. It does not seem fair that a parent is subjected to sanctions and case closures because of their State's limited substance abuse treatment capacity. If substance abuse treatment services are not available to the parent, States should refrain from sanctions or case closures.

The review established by my amendment requires States to review a recipient's self-sufficiency plan and consult with the recipient before enforcing any sanctions or taking away the recipient's cash assistance or welfare services. This provision is necessary to give recipients with significant barriers to work, such as a disability or a drug dependency, a real chance to meet the State's requirements prior to having their assistance taken away.

Another important area I would like to discuss is childcare. We all now agree that childcare is an essential part of encouraging people to work. I am pleased to see that this bill includes an additional $1 billion in funding for childcare. Even so, I think we need to go a step further. And I compliment, in particular, the distinguished Senator from Maine, Ms. SNOWE, and the distinguished Senator from Connecticut, Mr. DODD, with whom years ago I worked to pass the first childcare bill in history. He has kept at it and kept on it, and I personally respect and appreciate it. Of course, I am a cosponsor of this amendment as well. There are countless examples of how our country benefits from programs that allow hard-working parents to stay employed, and we need to support the efforts of working families by finding ways to help with childcare assistance. Parents need to know they have access to quality childcare.

I would like to make it clear that with the current budget situation, I am not advocating for large increases in Federal discretionary spending. I am very concerned about the fact that the Federal Government is running a deficit and that our Federal debt is accumulating. High deficits and a mountain of Federal debt represent real obligations that hurt our economic security, both now and in the future, and hurt every person we are trying to help here.

That being said, I recognize the very real and pressing need for improved childcare services. The 1990 childcare law Senator DODD and I helped get passed was one of our most important initiatives, and certainly I think each of us claims and feels it was each of our important initiatives. I was pleased to join Senator DODD in that effort.

It is clear to me after much study that the funding contained in the finance bill is simply not adequate. I am supportive of increasing that funding even more, provided they are accompanied by responsible offsets to hold down the costs and, in this case, this amendment will.

We should recognize that many assistance recipients across our country will struggle to meet the requirement for increased work hours if they are not able to find and use quality childcare services. While we are trying to get people to work, we ought to try to help their children in the process. Funding for childcare should go hand in hand with an increase in the work requirement. I and others—Senator SNOWE in particular—have fought very hard for that in the Finance Committee. We cannot expect these mothers and fathers to feel comfortable

leaving children alone or in the care of someone who is not competent in order to meet a higher work requirement standard.

A question we often ask ourselves is, ''Is this a perfect bill?'' I would have to say my answer to that question would be ''no.'' But I am sure there are many on both sides who would like to change it one way or the other. Most people have to admit this represents a compromise of many competing interests. If I had written the bill, I surely would have done some things differently. But I think Senator GRASSLEY and Senator BAUCUS have done a terrific job on this bill under the circumstances. These types of bills are always hard fought. This is a good one with sensible, reasonable compromises.

In closing, I want to again personally recognize the substantial work of Chairman GRASSLEY, the Democratic leader on the committee, Senator BAUCUS, and the Senate leadership for bringing this very important bill to the floor.

Over the last 2 years, it has been my pleasure to work with many of my esteemed colleagues on the Finance Committee from both parties to create an effective welfare reauthorization bill. I also thank Becky Shipp, who now serves on the Finance Committee, for her tireless work over the past 18 months and prior to that to help craft a welfare bill that will improve the lives of many Americans.

My own staff, headed by Jace Johnson and Jenny George, has done a terrific job.

These people did superior work for me and the people of Utah for almost 10 years and I was very fortunate to have Becky and now Jace, as members of my staff.

In closing, let there be no misunderstanding as to what this bill does. It strengthens and improves the current welfare laws and gives poor families a realistic chance at achieving self-fulfillment.

The most generous behavior Americans could choose is taking responsibility for ourselves, our thoughts, our actions, and our needs. The most beneficial act we in Congress can perform is to allow those less fortunate to succeed and to help them meet their responsibilities for themselves, their families, and their communities. I urge my colleagues to support this legislation because I am confident this bill, when passed, will benefit the entire country.

Mr. President, I ask unanimous consent that the final 4 minutes prior to the 12:15 p.m. vote be equally divided between Senators DODD and SNOWE, with Senator DODD in control of the first 2 minutes and Senator SNOWE in control of the final 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Reserving the right to object. I request, if I could, of the Senator from Utah—I understand under a previous unanimous consent agreement yesterday I would have 10 minutes to speak. Is that right? I want to make sure I still have my time.

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent I may be allowed to speak for up to 12 minutes under the time under the control of the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank my colleague from Delaware for graciously allowing me to take a few minutes here to speak on the amendment I am offering along with my colleague from Maine, Senator SNOWE. I thank her at the outset for her eloquent comments yesterday about the importance of this amendment and her kind comments about the Senator from Connecticut as well.

Let me also very quickly, while he is still here with us on the floor, commend my good friend from Utah. I remember with fondness, going back almost 15 or 16 years ago, when we offered the very first effort to include as part of our efforts on behalf of working families of this country a childcare proposal. That never would have happened without the tremendous leadership of the Senator from Utah, who was pretty much alone, I might say, in those days, in advocating this important initiative on the part of the Federal Government to try to do something to help these families who were trying to stay on the work rolls.

I would be remiss in any discussion about a childcare proposal not to reference the incredible work of the Senator from Utah. Again, I thank him for his leadership and I thank him as well for his cosponsorship of this amendment we are offering today.

Mr. HATCH. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. HATCH. I thank my colleague for his kind remarks and mention that bill would never have occurred without the strength and character he demonstrated, helping to bring it forth. It was a tough time. We had to battle many forces. But in the end, this childcare bill has done an awful lot of good for people in this country. I want to express my respect for my colleague and thank him for yielding.

Mr. DODD. I thank my colleague.

The whole goal, of course, of the underlying bill before us is to move families from welfare to work. That has been the goal of those who initiated this proposal some time ago. Of course, many of us ask the question how in good conscience we could do that, turn our backs on those who are doing what we asked them to do, and that is to leave the dependency of welfare and to enter the workforce. Yet without the adoption of the Snowe-Dodd amendment, it is quite clear some 450,000 to 500,000 children who are presently receiving childcare assistance would have to be dropped from receiving childcare assistance. I don't think any of us want to be a party to that at all.

Let me further point this out to my colleagues as a backdrop of why the Snowe-Dodd amendment is so critically important. Between 1994 up to 2001, we have seen employment by families headed by single mothers soar from 61 percent to now about 75 percent of single parents with children who are in the workforce. Among low-income mothers with children under the age 6, who have the greatest childcare costs and needs, employment has risen from 44 percent in 1996 to about 60 percent in the year 2000.

Let me further point out there are 7 million children every day who go home from school alone, without any kind of afterschool or childcare assistance. These are children aged, some of them, between 6 and 7 years of age.

I don't have to say much more to make the case about the importance of doing what we can here to see to it we have the necessary childcare assistance that working families, poor working families are going to need.

What is presently occurring across the country is States cannot pick up the slack in the current bill. In the year 2003 alone, facing the worst State economies since World War II, 16 States have reduced eligibility levels so that fewer children will qualify for assistance. About 600,000 children in 24 States were put on waiting lists. Nearly every State made other changes in their childcare programs, such as reducing subsidies, increasing parent copays, cutting or eliminating afterschool programs, or shutting off assistance to families not on welfare—working poor families. States even made cuts in childcare quality investments such as reducing safety inspections.

In my own State of Connecticut, last week the State legislature recommended cutting another $20 million for the States Care4Kids childcare program. I say another $20 million because this is the most recent cut enacted in my State. The program will have gone from $121.5 million in fiscal year 2002 down to $70 million for next year.

In the meantime, of course, costs for childcare have continued to rise. Although the economy seems to be improving, not just Connecticut, but many States continue to face very tough budget decisions.

On this chart, every one of these little figures represents 2,000 children on a wait list across the country. I will not go through the entire list, but just to get some idea of what I am talking about, in Alabama, 16,700; Arizona, 8,000; California, 280,000; Florida 48,800; here in the District of Columbia, 1,400. In my State of Connecticut, 15,000 children are on wait lists; in Georgia, 30,000. It goes on. These are 24 States that keep lists. Other States don't keep waiting lists at all because frankly they don't want to know the numbers, and I don't blame them, because they are struggling across the country with the numbers of children who are qualified and would be eligible for childcare assistance but can't get it. These are

the children on the wait list who presently need it.

Imagine, if you are not a parent of a young child yourself, colleagues, you may have children who are parents. Ask them, ask people in your office, what it is like today if you are going to work, you have a young child, and you are asked to pay $4,000 to $6,000 to $8,000 to $10,000 a year for childcare assistance.

Our staffs are pretty well taken care of. We have childcare centers for Senate employees. We have childcare centers around Capitol Hill and other places. But if you are a working parent holding down a job and you don't have those kinds of incomes and revenues, you have some idea of what it must be. Data from the Child Care Bureau shows 21 percent of childcare recipients receive TANF funds. This means nearly 80 percent of childcare funds are used to help working poor families. If childcare funds are not increased, the working poor will be cast aside so States have sufficient funds to help the welfare poor.

We ought not rob Peter to pay Paul. Both need our help—those on welfare moving to work and those who have moved from welfare to work but are just barely hanging on. If we deprive them of this additional assistance they fall right back. What good is that, in the welfare reform bill, where our underlying goal is to move people from welfare to work, not only temporarily but permanently, if we can?

The level of funding in the Finance Committee bill which provides an increase of $200 million a year, in our view—Senator SNOWE and myself and others who are cosponsoring this amendment—is woefully insufficient. The Congressional Budget Office estimates it would cost about $1.5 billion in additional childcare money to meet the work requirements under the Senate welfare bill. But that is not the full story.

The Congressional Budget Office also estimates even if there were no increase in the work requirements in this bill—of course, there are additional work requirements—it would cost an additional $4.5 billion over the next 5 years to maintain assistance for the 2 million children who currently receive help for childcare. A subsidy provided for the family today would simply not cover the cost 5 years from now. Again, you don't have to have a Ph.D. in economics to understand that.

To do otherwise is to shift costs to States or the parents, neither of whom are in a position to pick up the slack for the Federal Government.

Let me put this chart up as well. It will give you some sense of what I am talking about. You may not be able to see this very clearly. Every single one of the X's in every one of these States all across the country indicates the State has cut back in one way or another in terms of childcare assistance.

As I mentioned earlier, 24 States have a waiting list for childcare. Other States do not have a waiting list—not because they do not need assistance, but because they do not want to keep those waiting lists.

It is good news that welfare caseloads are down, although I understand the caseloads in a number of States have actually gone up. A reduced caseload does not mean a reduction in the need for childcare for low-income working families. What we know from studies about families leaving welfare is they are leaving welfare for low-wage jobs. They have left the ranks of the welfare poor to join the ranks of the working poor. Their need for childcare assistance has not changed. In fact, it may have gone up. Many State administrators believe the availability of childcare is one of the chief reasons welfare caseloads have declined.

Nevertheless, the purpose of childcare funding is to assist low-income families regardless of whether they receive welfare. Childcare can easily cost between $4,000 and $10,000 a year for one child, more than the cost of public college tuition in nearly every State. Therefore, the fact that welfare rolls have been declining is irrelevant to whether families need childcare assistance.

Nearly one-quarter of the TANF funds used to support childcare assistance is either transferred from TANF to childcare or spent directly on childcare. But estimates show that States are expected to spend a declining percentage of TANF funds on childcare as work requirements increase and TANF reserve funds from early years of the program are exhausted. In fact, most States, including my own of Connecticut, have exhausted their TANF reserve funds, or have nearly exhausted them.

States simply are not awash in TANF money. If they were, they would not be slashing childcare funding. Yet nearly every State has made cuts in childcare assistance. Let us be very clear. The promise made in 1996 when four separate childcare programs were consolidated as part of welfare reform was this would be a simpler program to administer, and childcare assistance would no longer be tied to welfare. Childcare assistance would be available for low-wage families regardless of welfare receipt. Now it appears that lacking sufficient funds, States such as my own are shutting off assistance to the working poor.

My colleagues are telling these families: Work your way off welfare, but once you are off, that is it. They are among the working poor. They are no longer a concern to many of my colleagues here. I disagree.

I thank Senator GRASSLEY and Senator BAUCUS, the chair and ranking Democrat of this committee, along with Senator HATCH and others for understanding this basic concept. Working poor families need this help or they will fall back into a dependency role.

If we do not adopt this amendment, as I mentioned, some 450,000 kids of the 2 million presently being served could lose childcare assistance.

I mentioned as well how single working mothers and their employment force has actually gone up to 75 percent and the poorest families actually have gone up almost 20 percent in the last 4 or 5 years. These mothers need childcare assistance. They don't have alternatives. They are single parents. They do not live necessarily in the old neighborhoods where there was someone next door or down the block or on the neighboring farm who would take care of them. They need this kind of help.

I know my time has expired. Let me say this is not only my view. There is a list of organizations which I ask unanimous consent to be printed in the RECORD, beginning with the National Governors Association, all of whom, regardless of political persuasion or ideology, urge support for our amendment. They understand these families need our support. I ask unanimous consent that the list be printed in the RECORD, along with letters of endorsement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SNOWE-DODD AMENDMENT GROUPS
SUPPORTING $6 BILLION FOR CHILD CARE

National Governors Association, American Public Human Services Association, National Conference of State Legislatures, National AfterSchool Association, Big Brothers Big Sisters of America, Easter Seals, National Women's Law Center, Children's Defense Fund, Generations United, National Association for the Education of Young Children, Center for Law and Social Policy, Fight Crime: Invest in Kids, National Association of Child Care Resource and Referral Agencies, National Collaboration for Youth, I Am Your Child Foundation.

Girls Incorporated, National Crime Prevention Council, National Institute for Out-of-School Time, United Way of America, YWCA, Campfires USA, AED Center for Youth Development and Policy, Adapted Physical Activity Council, Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Academy of Child and Adolescent Psychiatry.

American Association on Mental Retardation, American Dance Therapy Association, American Foundation of the Blind, American Music Therapy Association, American Occupation Therapy Association, Association for Maternal and Child Health Programs, Association of University Centers on Disabilities.

Bazelon Center for Mental Health Law, Council of Parent Advocates and Attorneys, Division of Early Childhood of the Council for Exceptional Children, Epilepsy Foundation, Federal of Families for Children's Mental Health, Helen Keller National Center, IDEA Infant and Toddler Coordinators Association, International Dyslexia Association.

Learning Disabilities Association of America, National Association of Protection and Advocacy Systems, National Association of School Psychologists, National Association of Social Workers, National Coalition on Deaf-Blindness, National Consortium for Physical Education and Recreation for Individuals with Disabilities, Research Institute for Independent Living.

School Social Workers Association of America, Spina Bifida Association of America, TASH, The Arc of the United States,

United Cerebral Palsy, USAction, US Action Education Fund, Volunteers of America, Youth Service America, 4 Counties for Kids (IL), Akron After-School (OH).

Arizona School-Age Coalition, Arizona State University, California School Age Coalition, Campfire USA First Texas Council, Circle ''C'' Ranch Academy (Tampa, FL), Columbia Heights Youth Club, Connecticut After-School Alliance, Connecticut School-Age Care Alliance, Flood Brook Community Collaborative (S. Londonderry, VT), Florida School-Age Child Care Coalition, Georgia School-Age Care Association, Heads Up (DC).

Illinois School-Age Care Network, Nebraska School-Age Care Alliance, Newport Enrichment Team (Newport, NH), New York State School-Age Care Coalition, North Shore Community College School-Age Child Care Certificate Program (MA), R'Club Child Care, Inc. (St. Petersburg, FL), Safe Harbor After-School (Michigan City, IN), Safe Haven After-School Program (Fresno, CA).

Southwest Community Network, Texas Afterschool Association, Texas Afterschool Network, The After-School Corporation (NY), United People Who Care Organization, Inc. (AZ), University Outreach Services, Shawnee State University (OR).

Utah School Age Care Alliance, Yuma School District #1, Discovery Clubs (AZ), Wings Afterschool Program (Whitingham, VT), Results, Inc., Voices for Utah Children, Voices for Children of San Antonio, Pennsylvania Partnership for Children, Wisconsin Council on Children and Families.

Mr. DODD. Mr. President, Senator SNOWE, cosponsors of this amendment, and myself, believe the amendment deserves support. We urge adoption of it.

I thank my colleagues for listening.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

I am going to vote yes on the amendment of the Senator from Maine. There are several reasons.

I have already stated yesterday in remarks that I believe the next phase of welfare reform must focus on strengthening work and opportunities for people to move from welfare to work. Of course, work is the key to self-sufficiency. Hence, this bill; this bill strengthens work. It would increase the participation rate requirement for States as well as increase the standard hours for individuals.

The typical welfare adult case is usually a single mother with a young child, many of whom lack even a high school degree. These are women who work more often than not. These women more often than not have families in crisis. They can't find a way to make their lives work. They need help.

If we are asking these women to go to work and to move from part-time to full-time work, if that is the case for some, childcare is an integral part of ensuring they can successfully meet the challenge required by law—a challenge that is good for society. Moving people out of welfare into the world of work is the only way they can move up the economic ladder. A life of welfare is a life of poverty.

Lack of good, affordable childcare is often a barrier to succeeding in the workplace. I am committed to doing everything I can to help these families succeed in work. That is good for the taxpayer as well as for the families. I have come to the conclusion that increasing funding for childcare is a key to accomplishing that goal.

As we know, States are facing budget deficits and childcare funding in those States has been frozen. Certainly in the context of a debate over welfare reform and progress, we should be mindful that States have spent resources to provide childcare to families attempting a transition from welfare to work.

I believe in the context of the debate over welfare reform we should consider whether it is important that we provide a level of funding sufficient so States can maintain the childcare supporting services they have been providing to welfare recipients and low-income families. I have concluded it is important to continue those services. I recognize in order to do that, we need to provide additional resources in the specific area of childcare.

If we were merely to increase childcare funding at a rate to keep up with inflation on the current level of spending, we would increase it by about $1.5 billion. If we include the $1 billion already in the bill before the Senate as it was reported out of committee and adjust that for inflation as well as including what the Congressional Budget Office estimates are the childcare costs associated with increasing the work requirement, we are close to $3.3 billion in additional childcare costs. This is what we know. We know we need at least $3.3 billion to meet the challenge of childcare. Now we have heard we need anywhere from $4 billion to $5 billion for States to continue providing services related to childcare.

I don't think we know for sure the exact increase of childcare funding we need to maintain the current level of services. However, I do think we need to assume there is a need, and an increasing need.

I do not believe $6 billion over 5 years is an unreasonable increase in childcare funding, given the increase in the work requirements, the current State budget situation, and the importance of maintaining at the very least the current level of childcare support available to low-income families.

Therefore, I will vote for the Snowe amendment. I ask my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President, I want to say how gratified I am to hear Senator GRASSLEY. I was very much encouraged to hear the comments of Senator HATCH.

As I see, we have been joined on the floor by Senator SNOWE of Maine, the author of this amendment, and by Senator DODD, who spoke just a few minutes ago.

I want to express to them my heartfelt thanks for their leadership in bringing this issue before us, and for working to build consensus around this amendment.

I strongly support this. In explaining that support, I go a long way back in time, back to 1936. In 1936, we did not have a welfare program at the Federal level in this country. In 1936, we adopted something after the encouragement of FDR that largely provided cash assistance to widows with children. Over the years, from 1936 through World War II and into the 1980s and 1990s, welfare changed.

By 1996, when welfare reform was adopted, widows and children were eligible for cash assistance on AFDC, Aid to Families with Dependent Children. A lot of the people receiving AFDC had children. For the most part, they were not widows. For the most part, they had never been married.

Despite the best of intentions, what we created after 1936 was a program that encouraged many women to have children, oftentimes at a young age; encouraged men to impregnate them; and encouraged the men to walk away from the children they helped to create as if they had nothing to do with it.

That is not to say welfare as we knew it did not do a lot of good. It did. But it also caught a lot of people in quicksand from which they found it difficult to escape.

Members may recall the debate back in the 1990s. Bill Clinton, when he ran for President, said we need to change welfare as we know it. One of the reasons is, in the early 1990s, a lot of people were better off on welfare than they were working.

For the folks who went to work, who got off of welfare, here is what they gained: They gained the right to pay taxes, State income taxes, Federal income taxes, Social Security taxes.

Here is what they lost: They may lose their health care, their Medicaid health care; they may lose food stamp eligibility; they may lose assisted housing; they have to figure out how to pay for transportation to get to a job; and they will have to figure out how to pay for childcare.

That all changed effectively in 1996. A lot of Governors were involved, including some who serve here today: Governors VOINOVICH, ALLEN, myself, and EVAN BAYH of Indiana worked with a whole lot of other Governors, including John Engler of Michigan, to provide unanimity on the part of the States and the National Governors Association, who said we have to change this system. People ought to be better off when they go to work than when they are on welfare.

When we created the block grant approach, Temporary Assistance for Needy Families, we said States have some flexibility in using that money that is allocated to them. They can use it for cash assistance, they can use it for childcare, they can use it for transportation assistance, they can use it for medical assistance, as well. Interestingly enough, as the welfare rolls

dropped—and they are down by half—the amount of money spent out of the Temporary Assistance for Needy Family fund is now less than half of that which is spent. We spend a lot more money collectively on childcare, transportation assistance, and medical assistance. Not everyone who is off welfare is better off, but a whole lot of people are.

Fast forward today to 2004, 8 years after the adoption of the welfare reform. We heard Senator DODD go through the numbers and explain why we need to provide this additional money. Let me reiterate a couple of points. Almost half the States have a waiting list today for families who are eligible under the criteria of those States. They are eligible for childcare assistance. But the States cannot provide it.

California has over a quarter of a million people on the waiting list. In Virginia, there are 7,000. Again, they are eligible under the State's definition, the State's requirement for childcare, but the States cannot make good on it.

Last year, the States had a collective shortfall in their budgets of about $80 billion. It is not a whole lot better this year. It will not be a whole lot better next year.

Along the way, the States have been changing their criteria for eligibility. A couple of examples include Ohio, Nebraska, and Kentucky. Now if you make more than $23,000 and you have a family of three people, you are not eligible for childcare anymore. If you make more than $19,100 in Indiana, you are not eligible for childcare assistance if you have a family of three. In Nebraska, if you make more than $18,800 and you are a family of three, you are no longer eligible for childcare.

From my own experience as Governor of my State, there are four things needed in order to help people move off of welfare, and to stay off of welfare. One is a job. Second is a way to get to the job. Third is help with health care, children's care and their own. Last is help with childcare. If you do not have those four things—a job, a way to get to the job, help with health care, and childcare—people will not make a transition to work and remain working.

My friends, there are still some provisions in this bill over which we will probably have differences. This is one over which there should be no difference. This is a point on which Democrats and Republicans ought to agree. I am encouraged. We have a great opportunity for consensus on this bill. A big part of reaching a consensus enables us to pass this legislation, and to agree on this amendment. If we do, my hope is we can work out some of the more difficult amendments and get to a position where we can vote on final passage today.

Remember the old saying: If it ain't broke, don't fix it. On welfare reform, a lot of skeptics in 1996 said this will not work; we will throw people to the lions, and we will make things worse. For the most part, those fears have been unfounded. For the most part, people are better off. In million of homes today, someone is waking up and going to work. Their children have seen them go to work. If we provide good childcare for their children, we reverse the likelihood their children will end up in a welfare situation.

CHRIS DODD knows this better than I do. For a child who has good reading skills, the parents have read to them. They had quality prekindergarten training. When they go into first grade they have a 15,000-word surplus compared to those kids who have not had those things. Those kids will walk into the first grade with a 15,000-word or more word deficit.

We learn, as human beings, about half of what we will learn by the time we are 6. To the extent that we have kids who are in the home of somebody who is trying to hold things together, working minimum-wage jobs, they are not getting the kind of nurturing, whether at home or through a quality pre-K program, we raise the likelihood they themselves will end up entering school behind, falling further behind, and we raise the prospect, the likelihood they, too, will end up in a life of dependency.

It does not have to happen. I am very much encouraged if we pass this legislation today a lot of childcare providers will have the money they need to provide quality care. A lot of families ending up on the waiting lists will find the waiting lists reduced, and a lot of children who do not have a successful time of it when they get to kindergarten and first grade will have a better time of it.

Mr. DODD. I thank my Senator for his statement in support. As a former Governor, of course, he understands these issues from a State perspective, as well as cutbacks.

I am particularly grateful for the mention of the gap that exists between the poorest children in this country and those who come from the more affluent families. The slight correction I make—even his number is startling—but the average middle class child is exposed to about 500,000 words by kindergarten; an economically disadvantaged child is exposed to half as many, at best.

To put it in perspective. In a childcare setting where children, in the absence of parents who are working, can actually be in a place where they can learn, you may not close that gap entirely, but the gap of more than 100,000 words between those two children ought to startle every single American.

I thank my colleague for raising that issue.

Mr. CARPER. Whether the deficit is 100,000 or 15,000 words, it is too much.

The good news is this: We can do something about it. We can do something about it today. We can do something about it in 25 minutes when we vote on the Snowe-Dodd amendment. That is what we need to do.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, unless the Senator from Alabama wishes to proceed, I yield 3 minutes to the Senator from Wisconsin, Mr. KOHL.

Mr. SESSIONS. That will be fine. The Senator from Wisconsin was here before I was.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I thank the Senator from Montana.

Mr. President, I rise today in support of the amendment offered by Senators SNOWE and DODD to provide an additional $6 billion in childcare funding. The amendment is essential to guaranteeing the safety and health of the children of working families, and if it fails I cannot support the underlying bill.

I say that as a strong supporter of positive welfare reform. Wisconsin led the Nation in developing programs to move families off welfare and into employment long before Congress enacted the 1996 welfare reform bill, for which I voted. But the great success Wisconsin has seen would not have been possible without the vital work supports offered to welfare families—families that could not have become self-sufficient without help with childcare, health care, and food stamps.

Across our country, wherever you find stable and safe childcare available and affordable, you see parents moving off the welfare rolls and into jobs. Unfortunately, quality childcare is out of reach for too many working families today.

According to recent data, the average fee in Wisconsin for full-time care can surpass $7,000 a year—a small fortune to a single parent working at or near minimum wage. The Snowe-Dodd amendment, combined with the funding in the underlying bill, would send an additional $124 million in childcare funding to Wisconsin to help those working parents afford the care their children deserve. That translates into thousands more parents able to work, and thousands more children able to spend their days in a healthy, safe environment. The story is the same in all 50 States.

With the addition of the Snowe-Dodd amendment, the Senate can be proud of a welfare bill that lives up to its name—a bill that truly works for the welfare of struggling parents and, more importantly, their children. The Snowe-Dodd amendment builds on the childcare funding already in the bill as well as other important provisions to make sure working families receive the support they need and deserve.

One such provision, sponsored by Senator SNOWE and myself, would free child support payments from State and Federal red tape and send it straight to

the children for whom it is intended. Under current law, Federal and State governments can hold onto childcare payments in order to offset welfare expenses. Our provision gives State options and incentives to deliver child support directly to families. Wisconsin has been doing this since 1997, with great results. Fathers are more apt to pay—and pay more—when they know their children are on the receiving end instead of the Government. And there are no added costs to States, as families that receive child support have more of their own income and are less likely to need other public assistance.

Childcare funding and child support are two simple steps towards ensuring families a smoother path towards self-sufficiency—and that is what a reformed, a compassionate, and an effective welfare system is supposed to be about. With the addition of the Snowe-Dodd amendment, the Senate's welfare bill will go a long way toward creating such a system.

Unfortunately, the same cannot be said of the House welfare bill. The draconian penalties it includes would do little to help families move off of welfare and into employment. In addition, the House bill does away with protections for mothers with children under 6—a disturbing policy decision with long-run implications for the future of the infants and toddlers it targets.

I urge my colleagues who take this bill to conference to reject the approach taken by the House. Families struggling to make a decent living for their children need a hand up—not a slap down. There is no sense in punishing parents and children for being poor. I also urge the Senate to overwhelmingly accept the Snowe-Dodd amendment today—and say yes to a healthy future for our Nation's most unfortunate children.

Mr. President, I thank Senator DODD and Senator BAUCUS and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am inclined to want to say: Here we go again. We have a good bill, founded on, and built upon, a welfare reform bill that passed a number of years ago that has had extraordinary success. We now have about half as many people in America on welfare as there were before.

I guess the average American would think we have saved money, but, of course, that is not so. The way we give money to the States, fundamentally, is they get the same amount of money, no matter how many people are on the rolls, and they get to focus that money more on the people who are on welfare. And we have not saved money.

In addition, we have come up with a new welfare reform bill that I believe does a lot of good things. It will encourage work. It will encourage family formation. It will encourage stable family units and be positive in a number of different ways. So I think it is a good bill.

But even though the number of people on welfare is down, even though that number has continued to drop during the times of economic activity that we have seen in the recent past, we are not saving any money.

The bill itself, the fundamental bill, has a $1 billion increase in funding. And now, on top of that, we have a $6 billion childcare program added on top.

Now, having served on the Budget Committee, as I know the Presiding Officer has, we wrestled hard with these numbers. We wrestled hard with these numbers, and we criticized ourselves, and we told ourselves—over and over again—we have to start restraining what we do in terms of spending.

We have had people on the other side complain mightily about budget deficits over and over again. Oh, they are concerned about our budget deficits. But when we have a bill to add a huge new spending program to a welfare bill that, truthfully, ought to come in flat, at least, if not reducing the amount of welfare—since we have half as many people on welfare as we used to have—we now tack on to that $1 billion fundamental welfare reform a $6 billion childcare reform.

To my knowledge—I am on the Health, Education, Labor and Pensions Committee—we have not discussed childcare in our committee. I do not believe there has been any formal or thorough hearings in the Finance Committee. Just boom, right on top of this bill, $6 billion. Sock it to the taxpayer.

Oh, they say it is going to be paid for by Customs user fees. Every bill that comes through here that is unfunded they say it is going to be paid for by Customs user fees. Surely, we will have some revenue come out of Customs user fees, but it is just revenue, just money that is coming into our Government when we are in a time of substantial deficit.

So we are going to spend that, not to fund programs we have out there now that need it, but we are going to spend that new money, they tell us, in this bill on an entirely new childcare program.

Let me show this chart. This chart gives an indication that this Congress has not been insensitive to childcare in America. And let me say this, something we do not think about: We have fought in this Congress, and we need to reauthorize this year, the child tax credit, which provides $1,000 per year for every child in America so families can use that money for childcare or anything else they need—$1,000 per child. For a three-child family, $3,000. They have that money they can utilize as they choose.

Not only that, we are reducing the marriage penalty. When people get married, they pay more taxes. Not only that, we have reduced the 15-percent bracket, or expanded the 10-percent bracket, so that more people will be paying income tax rates at 10 percent rather than 15 percent. It is a substantial reduction for them, a one-third reduction in the amount of income tax lower income working Americans will be paying.

Those are good things we have done without any bureaucracy or anything of that nature.

Look at this chart. This shows the various childcare programs we have in America. Total childcare spending, Federal and State—about $6 billion of it is State—$23 billion per year. Now, I am telling you, that is a major commitment by this Congress and the American people to deal with childcare.

But there is a limit to what we do here. We have reduced people on welfare by 50 percent. Are we saving any money for the taxpayers? No. We are adding a $1 billion increase in this bill to help that remaining 50 percent to be positive contributors, to have education and training and jobs and other assets and childcare.

As a matter of fact, this welfare reform bill will unlock $2 billion that is sitting out there right now. This $2 billion, because of the regulations, is not being able to be utilized. That $2 billion, when it is unlocked, will be available for childcare or whatever the State managers of these programs deem to use it for.

I wish we had the money to fund everybody who wanted to have childcare, to just let them have it. I wish we had the money. I wish we had the money to do a lot of things around here, but we are in a period of deficit. We need to maintain integrity in spending.

The PRESIDING OFFICER. The Senator has used his time.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I consume.

Clearly, to make welfare work, there has to be adequate childcare support. It is a no-brainer. I appreciate Senator GRASSLEY's efforts to help improve this bill. I appreciate, therefore, even more the amendment offered by the Senators from Connecticut and Maine to provide for adequate childcare funding. I further appreciate the support of this amendment by the chairman of the committee, Senator GRASSLEY. It is another example of his doing what is right. There are a lot of politics around here. Clearly, what is right is to make sure our kids get enough childcare support.

There are 2 million children today who currently benefit from Federal childcare. Maintaining that current level will take $4.5 billion over the next 5 years. We also need another $1.5 billion just to cover the cost of the new work requirements in the Senate bill. In total, we need $5 billion more than this bill requires. Therefore, the

amendment pending is one that must be passed.

In Montana, more than 10,000 children receive childcare assistance, but that is only one-tenth of the number of children who are eligible for childcare assistance. I believe with passage of this amendment, we will be able to raise that one-tenth to a much higher level.

I remember when I walked across the State of Montana, I met a lady who must have been 19, 20 years old, near Bozeman. She told me she was trying her level best, emphatically, to stay off welfare. She was a single mom. She had one child. She had a very low-paying job. She was a very adroit woman. She looked like she had a lot on the ball. But she was determined to stay off welfare. She slept on her parents' sofa so she didn't have to pay for a room, and someone else took care of her child during part of the day. But then she figured out that her childcare cost her 30 to 40 percent of her total wages. She couldn't do it. She was so upset that she had to go back on welfare. Why? Because the wages she was receiving were not enough and her childcare was costing way too much.

Based upon that one example alone, I personally know how valuable this is. Childcare is critical to help keep people off of welfare, to help keep people working. It is an investment in our future. Who knows, some of these children might be future Nobel Prize winners, future inventors or poets or authors. These are our kids. It is a no-brainer for passage of the amendment. I urge a very large vote.

How much time remains on our side?

The PRESIDING OFFICER. Three minutes 15 seconds.

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for yielding me the time.

I strongly support this amendment and believe it is an essential part of any TANF reauthorization. If we were to defeat this amendment, we would probably have to conclude that we are better off under current law than under the bill that has been reported out of the Finance Committee. Many of my colleagues believe we should have done more for childcare in the legislation we were considering in the Finance Committee, but it was determined at that time that our best opportunity to get the support we needed was to follow the lead of the two sponsors of this amendment, Senator SNOWE, in particular, in the committee and Senator DODD here on the floor, to be sure that this legislation got enacted.

The truth is, the underlying bill imposes greater work requirements on low-income mothers and puts them in an impossible situation if we don't continue to provide the childcare assistance they need. It is also clear that if we take the level of funding of childcare that is provided for in the bill without this amendment, we will see childcare assistance denied to hundreds of thousands of working poor families.

This is essential legislation. I strongly support it. I urge my colleagues to support this amendment. With this amendment, we can move ahead with consideration of other amendments and hopefully wind up with reauthorized TANF legislation that we can all support.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield myself the remaining time and ask unanimous consent to add the following Senators as cosponsors of the amendment: Senators DAYTON, DEWINE, CORZINE, and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise to make a few comments regarding this amendment before the final vote.

First, I thank Chairman GRASSLEY for his extraordinary leadership and his commitment to ensuring that this legislation gets completed this year, as should be done given all the temporary extensions, but also for his support of the pending amendment to increase childcare support by more than $6 billion.

I also thank Senator DODD, who has provided exemplary advocacy and leadership on behalf of families and children. I appreciate his reaching across the political aisle to forge and craft this bipartisan amendment, along with Senator CARPER, who approached me some time ago as well, because of his leadership previously as Governor and now in the Senate on the importance and value of providing the necessary child support in order to make sure we improve the well-being and quality of life for families and children as we transition off this entire welfare system. And I thank other cosponsors such as Senator BINGAMAN and all of the Senators who have chosen to cosponsor this amendment across the political aisle. I truly appreciate it. It will give breadth and depth to the reauthorization of this welfare reauthorization.

This amendment is a recognition of reality. If we want the nearly 5 million people who currently are on the caseload to transition and remain off welfare, we clearly have to provide them affordable, quality childcare assistance. In fact, one of the major pillars in the 1996 landmark legislation was to ensure that we create the necessary support systems so that full-time employment would become accessible.

We created the childcare development block grant for families who are on welfare, those transitioning off welfare, low-income families who are not on welfare for whom this assistance could make all the difference. Yet today only one in seven children—only 15 percent—in America who are eligible for Federal support are actually receiving it.

More significantly, in 2003, every State in America has reduced their childcare support because of the tremendous financial constraints they are confronting. Not only that, there are 16 States that are reducing the eligibility levels. Therefore, fewer children will be eligible for childcare assistance.

There can be no question about the impact of the value of childcare in America. According to a 2002 study, 82 percent of former welfare recipients who receive childcare assistance are more likely than those who do not to have employment for 2 years after being off welfare. That is critically important because it underscores the value of providing this type of support.

Currently there are 2 million children receiving a childcare subsidy, which is only a fraction of those children who are eligible. CBO estimates that it will require $4.5 billion to ensure all 2 million children receive the current level of support over the next 5 years. Yet the underlying bill only includes $1 billion that will cover approximately the increased cost to childcare as a result of the expanded work requirements. So if we do nothing more than the underlying bill, there is the potential of 400,000 children who will lose childcare support if we do not pass this amendment today.

Now, some people say, you know, we are doing enough. Well, you ask the 605,000 children in America who are on waiting lists. There are not waiting lists in every State. Some States don't keep waiting lists, and the reason is because they know they cannot fulfill the burgeoning demand for childcare and will create expectations they cannot fulfill.

This amendment becomes critically important to the well-being of families and children. It is a recognition of reality. The reality is, if we want families to leave welfare, stay off welfare, then let's give them the support they need by passing this amendment. The reality is that children need the quality daycare while their parents are working to improve themselves and their families. We don't want to create untenable situations that require families to make untenable choices.

I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield the remainder of our time to the Senator from Connecticut.

Mr. DODD. Mr. President, very quickly, I thank the chairman and ranking member of the Finance Committee for their leadership on this issue. Once again, I am deeply pleased to be joining Senator SNOWE. She has worked tirelessly on behalf of children and the issue of childcare during our joint service in the Senate. I also thank Senator HATCH and others. I go back a long way with Senator HATCH. It was almost 15 years ago, in 1990, when we passed the first Childcare and Development Block Grant, CCDBG.

In 1996, we consolidated 4 separate childcare programs and included them in the welfare reform package. I have a

couple of quick points to make. Federal funds presently have been frozen for 3 years on childcare. The costs are obviously going up. Senator SNOWE pointed out we have 400,000 to 450,000 children who will be dropped from child care assistance if this amendment is not included. At least 600,000 children are on waiting lists in the 24 States that keep them. For the remaining States, obviously, there are many eligible children not receiving child care help.

The Governors want this. They have been asking for it. They are cutting back themselves. Every State has cut back in one way or another on childcare assistance programs. Seven million children every day go home from school to an empty house, with no kind of afterschool program and care. I don't think any of us want to see that perpetuated.

This amendment is paid for by extending Customs user fees which are scheduled to expire. We are not asking anyone to add to the deficit at all. This is an existing program. There is nothing new about it. It was crafted 15 years ago and part of a consolidation of child care programs in 1996, so it is not a new program. The amendment is paid for and it is absolutely critical.

The underlying bill says, let's get people off of welfare and to work. We have expanded some of the work requirements here. You must have additional childcare support, or working poor families will slip back into dependency. No Member wants to be part of a solution that would require that to happen with too many families out there making a tremendous effort to stay employed and independent.

Senator SNOWE and I graciously ask for your continuing support of this very important program. We urge adoption of this amendment.

Mr. HATCH. Mr. President, I rise today in support of this amendment to increase the amount of mandatory childcare funding available to States.

Many of us understand that child care is an essential part of encouraging people to work. I have long believed that parents who are concerned about their children's well-being cannot be effective, dependable employees. Unfortunately, the data are clear; the need for affordable child care in this country is rapidly increasing and the Federal funds available to help poor families have deteriorated significantly due to flat funding and inflation. Without dramatic funding increases, over 600,000 poor parents will face tough decisions about what to do with their children while they are working to keep the family out of poverty. I am concerned about this statistic.

I sincerely believe it is the right thing to do to require families receiving Federal assistance to work more hours to ensure they can become self-sufficient. That is one of the many reasons I am supportive of this bill, H.R. 4. However, requiring more hours of work from poor parents inevitably leads to an even greater demand in childcare funding because parents must be out of the home for longer periods of time. In many respects this is a healthy development for the family. But the $1 billion increase in childcare funding provided by this bill is simply not adequate to meet this increased work requirement; therefore, I think we need to go a step further. That is why I support this important amendment to increase child care funding by $6 billion over the next 5 years.

I would like to make it clear that I certainly understand the budget shortfalls this country is facing. While I believe much good can be done by increasing child care funding, I would not be supportive of this amendment if it were not 100 percent deficit neutral. I am pleased to see this amendment is offset by increases in customs user fees and does not add to the budget shortfalls we are currently experiencing. High deficits and the mountain of Federal debt represent real obligations that hurt our economic security, both now and in the future. Therefore, as long as we have a viable offset for childcare funding increases, I am supportive.

With that understanding, I encourage my Senate colleagues to support this amendment and provide these necessary childcare funds to families.

Mr. HARKIN. Mr. President, I add my strong support for the Snowe/Dodd amendment to add $6 billion in childcare funding in the TANF bill. This will allow for urgently needed improvements to access and the quality of childcare.

Back in 1996, Congress passed a tough welfare reform bill that demanded personal responsibility. I supported that bill. It said that if you are on welfare and you can work, you must work. Our reform has had some substantial successes, but now is not the time for a victory lap. I am particularly concerned that this bill does not provide adequate funding to address what we all know is one of the major barriers to employment—childcare.

If we are going to demand personal responsibility from every American, I believe the Government has a responsibility to every American.

If we are going to help struggling low-income families and those trying to leave welfare over the long term, we have a responsibility to provide those families with access to affordable, high quality childcare. Nationwide only one in eight kids eligible for childcare assistance actually receives it. In Iowa the story is worse, only 1 out of 12 actually receives assistance. Parents cannot work if they cannot afford decent childcare. But the sad reality is that many are forced, too often, to leave their kids in substandard care—or no care at all.

In Iowa nearly two-thirds of mothers with kids under age six are in the workforce. That is the second highest in the Nation. This means that children in Iowa spend a large percentage of their formative years in childcare. Unfortunately the availability of quality daycare has not kept pace with the demand of daycare. I have heard countless stories of families who tell me they had to leave their kids in substandard care because they could not find quality care or because they could not afford better care. One woman told me that she knew her kids were in front of the TV most of the day, but that was the only option she had. She had to go to work. These stories are just devastating.

Even when a family can find childcare, it is often too expensive. Low-income working families often spend almost 50 percent of their paychecks on childcare. Meanwhile, higher income families spent only 6 percent.

In my State of Iowa, the average cost of childcare in rural areas is almost $6,000 a year. And that is just for one child. The average wage of someone on TANF is only $7.28. So if we do the math, someone making slightly more than minimum wage working 40 hours a week is spending almost half of their earnings on childcare. One single mom struggling to get off welfare in Iowa told me that she spends 45 percent of her income to meet the childcare costs for her two children—and she has to work a second job at night so they can survive. Her total yearly childcare for two kids is $12,000.

And regardless of income, parents worry about the quality of childcare. In Iowa the majority of growth has been in nonregistered, unregulated care as opposed to registered and accredited centers. Nationwide there is also a major shortage of quality childcare for children in rural areas, for children with special needs, and for infants and toddlers. In fact, in a recent Midwest study, Iowa ranked the lowest in providing quality care for infants and toddlers. This is alarming, because the years through age three are a critical time for brain development and emotional development. This is when a child lays the foundation—or fails to lay the foundation—for later success in school and life.

Data from the National Academy of Sciences shows that the first 3 years of a child's life are the most important—80 percent of brain development occurs before the child's third birthday. Children who do not have rich, enjoyable, emotionally, and intellectually stimulating learning experiences during these important years can be stunted for life.

In fact, more than a dozen years ago, in 1991, the Committee for Economic Development, made up of business leaders, found that investing in quality childcare and other early interventions was critical to securing this Nation's economic future. CED urged Federal policy makers to view education as a process that begins at birth.

We also know that good childcare prevents later crime and violence. I request unanimous consent that this oped, written by the Des Moines chief of police, be included in the RECORD.

Chief McCarthy says that ''my law enforcement experience has taught me that by giving children the right start in life through programs such as pre-K and childcare, we can dramatically reduce the chances of you or someone you love becoming the victim of violence.''

Yet despite all that we know about how important good quality childcare is, we fail to support our highly skilled childcare providers. In fact, we are paying them less than bus drivers, barbers and janitors. I think it is time that changed. The average childcare worker's salary in Iowa is $14,100, well below the national average. There is also a 50 percent turnover rate for childcare providers. This is particularly harmful as stable, consistent relationships are essential to healthy development.

Recognizing the inadequacy in quality as chairman of Labor, Health and Human Services Subcommittee of Appropriations, I began funding an additional $200 million in CCDBG to improve quality, with targeted funding directed to infant and toddler needs.

The Dodd/Snow amendment will bring us a step closer to the day when all young children have the opportunities and supports they need to embark on a lifetime of learning.

We talk a lot in this country about budget deficits, economic prosperity and how as a nation we have to prioritize. One of our priorities surely must be to strengthen families, encourage work, and provide decent childcare. I understand that many of my colleagues have concerns with the cost of this amendment. Well if we can find trillions of dollars for tax cuts, hundreds of billion of dollars for a prescription drug give-away to big pharmaceutical companies and HMOs, and tens of billions of dollars for a trip to Mars, then surely we can make key investments in programs like CCDBG. I urge my colleagues to strongly support the Snowe/Dodd amendment.

Mrs. MURRAY. Mr. President, I rise in support of the Snowe-Dodd amendment to increase funding for child care by $6 billion. We know that high-quality child care makes a real difference for children and their families. It allows parents to work, and at the same time it gives children a safe and productive place to learn.

Today the need for child care is growing, but government support is not. In fact, because of the slow economy and State budget problems, many States are cutting back on their support of child care. This is having an especially painful impact on low-income families—the very families that are helped the most by child care. These are also the same families that will need more help because of the work requirements in the underlying bill. That is why we need to pass this amendment.

The Snowe-Dodd amendment will increase funding for the Child Care Development Block Grant by $6 billion. Without this amendment, about 430,000 children will lose their child care assistance over the next 3 years. This amendment will make a real difference for families in every state. In my own home state of Washington, this amendment will mean nearly $140 million in increased child care funding for Washington families.

Over the years, I have fought on this floor to increase child care funding, so I don't need to spend a lot of time reviewing what the research shows us. We know that safe, quality child care helps children start school ready to learn and keeps children safe while their parents work. Studies show that quality makes a real difference. Children in poor-quality child care have been found to lag behind in language and reading skills and to display more aggression. On the other hand, children in high-quality child care have greater math, thinking and attention skills. They also have fewer behavior problems than children in lower-quality care.

The benefits of high quality child care are not in question; the only question is how many families can afford it? Full-day child care easily costs from $4,000 to $10,000 a year. That is at least as much as college tuition at a public university, and it's more than many families can afford. For example, if both parents work full-time for minimum wage, they only make $21,400 a year. Child care would be one-quarter to one-half of their income. Clearly, they need help.

Today, nearly 16 million children under age 13—who are living in low-income families—are likely to need child care. But out of those 16 million, only one in seven low-income children receive the federal child care assistance for which they are eligible.

Even worse, the need for child care is increasing because of our high unemployment rate and because of the increased work requirements in the underlying bill. Many out-of-work parents are looking for jobs, and they need child care to be able to look for a job. If this amendment fails and the underlying bill passes, about 430,000 children will lose their child care assistance by fiscal year 2008. Without this amendment, fewer and fewer children will get the child care they need. Because of inflation alone, States will need $5 billion over the next 5 years just to keep serving the same number of children. And that assumes that TANF funds will be available and that State budgets won't be cut.

We already know that States are cutting back on child care funding because of their budget shortfalls. In 2000, States spent $3.8 billion in TANF funds for child care programs. By 2002, State spending had dropped to $3.5 billion. Many States have growing numbers of low-income families on waiting lists. Some States are turning low-income families away unless those families receive TANF, are moving out of TANF, or have other special circumstances. Other States have altered eligibility requirements so that only the very poor receive assistance. And some States have raised copayments. According to the General Accounting Office, 23 States have changed their child care policies since 2001 in ways that limit access for families, shutting the door on opportunities for parents to work.

My own State of Washington has lowered the eligibility standard for child care subsidies from 225 percent to 200 percent of poverty. Washington State also increased monthly co-payments for families. In 2000, 54,000 children in Washington received subsidized child care. By 2001, the number had dropped to 51,200. As I mentioned earlier, this amendment will mean nearly $140 million in increased child care funding for Washington families. That help is desperately needed.

Today we are considering a welfare reauthorization bill that is supposed to help struggling families become self-sufficient. I do not believe we can have a meaningful conversation about getting parents into jobs unless families have access to safe, quality child care. I urge my colleagues to support the Snowe-Dodd amendment to increase child care funding by $6 billion.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the bipartisan childcare amendment being offered today. This amendment would provide reasonable and necessary increases in funding to the Child Care Development Block Grant.

The underlying bill only provides increases of $200 million per year for 5 years for childcare. Unfortunately, this level of funding fails to support low-income families who are trying to become independent and self-sufficient. First, the underlying bill imposes more rigorous work requirements on TANF mothers without providing enough resources for essential childcare support. In addition, the level of funding in the underlying bill is so inadequate that it will result in the loss of childcare funding for hundreds of thousands of working poor families. The cost of quality childcare in this country can exceed $10,000 per year, thus rendering quality childcare out of reach for too many low-income working families.

I strongly support this amendment. This amendment would provide the necessary funds to support the work requirements of TANF recipients as well as the efforts of low-income working families—parents trying to stay off welfare. It would provide sufficient resources to, at the very least, maintain the number of childcare slots available to working families. And, it would provide families with opportunities for quality childcare.

The availability of childcare assistance through the Child Care Development Block Grant, CCDBG, played an essential role in the decline of welfare caseloads around the country throughout the 1990s. Both the Federal Government and the States dramatically increased spending for child care after passage of welfare reform in 1996. The

bulk of the increases, however, came from the Federal Government. By 2002, the Federal Government appropriated approximately $4.8 billion for childcare in both discretionary and mandatory spending. States also saw record declines in TANF caseloads, and thus were able to use the flexible TANF dollars for childcare assistance.

The number of employed single mothers dramatically increased from 6.4 million in 1996 to 7.3 million in 2001. And, employment rates among low-income mothers with young children increased from 44 percent in 1996 to 59 percent in 2000. The number of children receiving childcare services through CCDBG doubled during this period from 1 million to approximately 2 million children.

Further, research shows that the availability of childcare subsidies leads to more work, higher earnings, and a greater likelihood of remaining off welfare. A recent study found that single mothers with young children who receive childcare assistance are 40 percent more likely to still be employed after 2 years than mothers who do not receive such assistance. And, the numbers only increase for mothers who were former welfare recipients. According to the data, former welfare recipients with young children who receive childcare assistance are 82 percent more likely to remain employed after 2 years. The evidence shows that our childcare policies work; childcare assistance helps low-income working mothers move from welfare to work.

Our commitment to childcare, however, has waned. The Federal contribution to childcare has remained frozen since 2002. And as a result of severe budget crises facing our States, the state contribution to childcare has significantly diminished. The use of TANF dollars for childcare has declined since 2001. Moreover, states have had to close budget gaps cumulatively totaling $200 billion since FY 2001, and many States have cut assistance to childcare to close the budget gaps. According to the General Accounting Office, nearly one half of all States have made policy changes that reduce the availability of childcare subsidies, and 11 other States are proposing changes that will reduce current levels of spending on childcare.

According to the Congressional Budget Office, it will cost approximately $4.5 billion in Federal funding just to maintain the current number of childcare slots for the next 5 years. If this amendment fails, it is estimated that more than 400,000 children would lose their childcare assistance.

Although CCDBG serves approximately 2 million children nationwide, we are only providing childcare to 12 percent of the eligible population. Further, due to State cuts, we are already seeing States reducing eligibility, lowering income limits, increasing waiting lists, lowering provider reimbursement rates, and increasing parent copayments.

For example, 15 States and the District of Columbia have reduced their eligibility limits, either lowering the eligibility cutoff based on poverty or restricting eligibility to TANF-only families. New Mexico has lowered eligibility for childcare, making the income cutoff lower than it was in 2000. These policy changes, of course, do not mean that low-income families are any less in need of childcare. It just means that without the childcare subsidy, it will be that much harder to afford quality childcare.

In New Mexico, there are almost 100,000 children in low-income families with all parents in the workforce. A family of three earning more than $22,890 a year cannot qualify for childcare assistance in New Mexico, but at this income level they would be struggling just to cover their basic expenses. In Albuquerque, for example, annual costs for decent housing, $7,008; food, $4,212; transportation, $1,932; health care, $3,060; and other necessities such as telephone service, clothing, and household items, $3,480 alone would total $19,692, according to a study of basic family budgets. Paying for average-priced center care for an infant and a preschooler, $10,408, would put this family $7,210 over budget.

The cost of quality childcare is simply out of reach for too many working families. The quality of childcare has a significant effect on children's health and development and their readiness for school. Studies show that children who have traditionally been at risk of not doing well in school are affected more by the quality of care than other children. These children are more sensitive to the negative effects of poor childcare and receive greater benefits from higher quality care. Evidence demonstrates that children who attend higher quality childcare perform better on measures of cognitive development, such as math and language skills, as well as on behavioral development, such as thinking and attention, interactions with peers, and behavior skills. Yet, while low-income children are at greater risk, they are less likely to be able to access high-quality childcare.

Without adequate increases in funding for childcare, we are forcing our low-income mothers into impossible situations. This bill requires TANF recipients to work, yet fails to provide adequate childcare to support their efforts. The bill also fails to provide sufficient childcare funding to maintain childcare assistance for hundreds of thousands of working poor families. How can we expect low-income families to maintain independence and self-sufficiency, if we fail to provide them with the necessary supports—or worse, we take them away. For nearly 30 years, the evidence has been telling us that quality early care and education makes all the difference in the world in a child's readiness for school. Yet by failing to make quality childcare accessible to low-income families, we continue to wonder why all of our children are not academically successful. Without adequate funding for childcare, we continue to leave hundreds of thousands of children behind.

I urge my colleagues to support this vital amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine has the last minute and a half.

Ms. SNOWE. Mr. President, I thank, again, Senator DODD for his being a champion over the years on behalf of children and families, and for making it possible that we are in the position of offering this amendment. I also thank the cosponsors and Chairman GRASSLEY for honoring his promise that we have a priority position in offering this amendment.

Ultimately, this amendment will determine whether families on welfare and their children will be able to achieve self-sufficiency, which was the goal of the Welfare Reform Act in 1996. That was an unprecedented success. This amendment will help build upon that success and help families to achieve the economic independence they and their families deserve.

Mr. President, I urge adoption of this amendment and I yield back the remainder of our time.

Mr. DODD. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—78

Akaka	Cochran	Graham (SC)
Alexander	Coleman	Grassley
Baucus	Collins	Hagel
Bayh	Conrad	Harkin
Bennett	Corzine	Hatch
Biden	Daschle	Hollings
Bingaman	Dayton	Hutchison
Bond	DeWine	Inouye
Boxer	Dodd	Jeffords
Breaux	Dole	Johnson
Brownback	Dorgan	Kennedy
Bunning	Durbin	Kohl
Byrd	Edwards	Landrieu
Campbell	Feingold	Lautenberg
Cantwell	Feinstein	Leahy
Carper	Fitzgerald	Levin
Chafee	Frist	Lieberman
Clinton	Graham (FL)	Lincoln

Lugar	Reed	Snowe
McCain	Reid	Specter
Mikulski	Roberts	Stabenow
Murkowski	Rockefeller	Stevens
Murray	Sarbanes	Talent
Nelson (FL)	Schumer	Voinovich
Nelson (NE)	Shelby	Warner
Pryor	Smith	Wyden

NAYS—20

Allard	Ensign	Miller
Allen	Enzi	Nickles
Burns	Gregg	Santorum
Chambliss	Inhofe	Sessions
Cornyn	Kyl	Sununu
Craig	Lott	Thomas
Crapo	McConnell	

NOT VOTING—2

Domenici	Kerry

The amendment (No. 2937) was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRIST).

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I may be witnessing a first to see our majority leader as the Presiding Officer at this moment. Welcome to the podium. We are pleased to have you there.

PERSONAL RESPONSIBILITY AND INDIVIDUAL DEVELOPMENT FOR EVERYONE ACT—Continued

Mr. CRAIG. Mr. President, we are debating welfare reform. It is critical to our country that we do this and revitalize it. It is a major piece of legislation that has been very successful over the years, getting people out of welfare into a productive job in our economy.

I don't know who the historian was who once said it. He was an economist and a historian. He said, The greatest form of welfare in the world is a good job in the private sector—we know that to be a fact—a good well-paying job.

When you cannot find that, welfare in our country is that safety net we have designed and defined for those who truly need it, but recognizing that it is not a place to stay; it is a place to catch you if you fall, to help you, and to provide for you and your family, but only in the temporary form so we can get people off of welfare and back out into the private sector and into a job.

In a few moments, the Senator from Massachusetts is going to talk about jobs and level of pay in those jobs. I thought for just a few moments it would be appropriate as we talk about welfare and as we talk about jobs and how much we pay for jobs as a minimum wage, that we ought to talk about job creation in this country and how critically important it is.

Some have said our recovery out of this recession has been jobless. Well, that is not true. A lot of jobs are being created out there, and a lot of people are now going back to work—not as rapidly as we had hoped they would, but certainly they are headed back to work.

NATIONAL ENERGY POLICY

But there is a dark cloud over the horizon, and that dark cloud is there today because the Congress of the United States, and the Senate in particular, a year ago denied this country a new national energy policy and the ability to begin to produce energy, once again.

We are no longer energy independent. That one driving force we had in the economic matrix that said we could produce something for less—because we had the great ingenuity of the American workforce and because the input of energy was less than anywhere else in the world, so we could produce it better and we could produce it for less cost—is no longer true today.

If you went out this morning to refuel your car before you headed to work, you paid at an all-time high level of gas prices. Why? Because the Senate of the United States denied this country a national energy policy.

We know it is happening. We have seen it headed in that direction for over 7 years. Many of us have pled on this floor to develop that policy to get us back into production. But, no, we are not into production, we are not producing at a level we could be and we should be. We are not creating all the kinds of alternative fuels we ought to be. Why? Because we have not established a national energy policy in the last 8 years.

The world has changed a great deal. We are now over half dependent on foreign sources of oil. Of course, there are many who will rush to the floor and point a finger at OPEC or point a finger at the political turmoil in Venezuela and say: Well, that is their problem, and it is their fault we are paying higher energy prices. Or we will have that proverbial group that will run out and point their finger at big oil.

Why don't we point the finger at the Senate, for once, which has denied this country a national energy policy? The Senator from New Mexico was on the floor a few moments ago, Mr. BINGAMAN. He worked 2 years ago to get one. I helped him, and we could not quite get there.

Then the other Senator from New Mexico did produce a policy, and we passed it in a bipartisan way. It went to the House, and we conferenced it, and the House passed the conference. It came back here. It fell apart. It fell apart for one little reason or another, but the bottom line was the politics of it. The Senate of the United States has again denied the consumer and the working man and woman the right to have an energy source and a competitive energy price to go to work on, or to work with when they get to work, or to have for recreation, or to have to heat their home, or to have to turn the lights on in their house, and to illuminate and energize the computer they use.

The driving force of the economy of this country is not the politics on the street today; it is the politics of energy. It always has been. When we have competitive, moderate-to-low energy prices, the American worker can produce and compete with any workforce in the world. But today we are slowly but surely denying them that.

Natural gas is at an all-time high. Gas at the pump is at an all-time high. Electricity prices in many areas around this country are at an all-time high. The great tragedy is, many of those prices are artificially inflated because of the politics of the issue, because this Senate has denied the American worker and the American consumer a national energy policy.

Now, some say, well, the wealthy are going to get wealthy off of this. What about the poor? Has anybody ever calculated that high energy prices impact poor people more than any other segment in our society?

If you are a household with an average annual income of $50,000, you only spend about 4 percent of your income on energy. But if you are a household with an income between $10,000 and $24,000, you spend 13 percent; you spend a higher proportion of your total income on energy. If you are a household of $10,000 or less, or at about 130-plus percent of poverty, you spend almost 30 percent of everything you make on energy—whether it is the gas you put in your car, or the throwing of a switch to illuminate the light bulb in your ceiling, or the heat for your home.

High energy prices impact poor people more, and yet we will still hear these great allegations on the floor that somebody is going to get rich off of energy.

No. Poor people are going to get poorer with higher energy prices. That is the impact and the reality of the problems we face.

The United States is making do now with a lot less energy on a per capita basis. Some say: We can just conserve our way out of this situation. We are doing a very good job in conservation today than we did, let's say, 20 years ago.

Let me give you a figure or two. In the last three decades, the U.S. economy has grown 126 percent, but energy use has grown only 30 percent. In other words, as our economy grows today, as a rate of a unit of production, we use less energy. Why? Efficiencies, new technologies. But as we grow, we are still going to need more energy. So the old argument about conserving your way out—and, oh, my goodness, if I have heard it once on the Senate floor in the last 6 years, I have heard it 2 or 3 times, that automobile fuel consumption has dropped 60 percent in that 20-year period. And we ought to be proud of that.

That is partly a work of the Senate, but that is also the new technologies and efficiencies. Per capita oil consumption is down 20 percent since 1978.

Industrial energy use is down 20 percent since 1978. So the reality is, we have done well.

But if you want to create 800,000 new jobs, then it is going to take energy to produce them. Because it is energy that drives the great economy of our country. And when it is high-priced energy, then the jobs become high priced. When the jobs become high priced, then we worry about those jobs leaving the United States.

Why hasn't the Senate of the United States put this relatively simple formula together, that high-cost energy creates a less competitive environment in which we can produce. If we are going to talk welfare—and we are and we should; and we are going to reform it—and we are going to talk minimum wage, and there is no reason why we should not talk minimum wage—then we have to talk about the economy of creating jobs at the same time.

The production tax credit we are talking about for the energy field alone would create 150,000 new jobs. As I said, the bill we have in front of us—that should pass unanimously in this Senate, but it cannot get there—will create literally between 670,000 and 800,000 new jobs during the initial phases of the development of that kind of energy.

My message to the consumer today: If you do not like the price of your energy bill this winter, if you do not like the price of gas at your pump, if you are worried about your job because it may be going overseas, because your production is less competitive today, pick up the phone and call your Senator. Ask him or her why—ask us why—we did not pass a national energy bill. There is nothing wrong with doing that. Because we should have done that. We should have started down that road of getting ourselves back into the production. But, oh, no, we are bound up in the politics of this business, and somehow we just cannot get there. And try as we have for the last 5 years, in a bipartisan way, we have worked to do so.

We have a bill before us now that ought to receive a nearly resounding unanimous vote, but it failed in the Senate. Our failure means the jobs of America's working men and women are at risk, the household automobile is now much more expensive to operate, and you will probably want to turn your thermostat down next winter if gas prices continue to go as high as they appear to be going.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

AMENDMENT NO. 2945

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself and Senator KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. KENNEDY, proposes an amendment numbered 2945.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. ___. FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the ''Fair Minimum Wage Act of 2004''.

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

''(B) $6.45 an hour, beginning 12 months after that 60th day; and

''(C) $7.00 an hour, beginning 24 months after that 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Mrs. BOXER. Mr. President, I am pleased to offer this amendment with my colleague from Massachusetts who is the true leader on the issue of trying to raise the minimum wage so that people who are trying to get into the workforce, get off of welfare and subsidy, will be able to actually support their families so that we actually reward work, and it is going to make a huge difference.

Before I go into my remarks, I do want to, however, respond to my friend who spoke about how important it is to call your Senators and ask them to pass that Energy bill that we killed. I hope when you call us, you will tell us not to pass that one. That one was a travesty of justice for consumers. It was a terrible bill if you care about the environment. And it was a terrible bill if you believe that there is already too much corporate welfare because there were huge subsidies to the nuclear industry.

There were huge subsidies by way of giving a liability waiver to those companies that made MTBE, which destroyed drinking water supplies all over the country. The Senate was sending this bill over to a conference committee, and it comes back with this liability waiver. It is a terrible bill.

Yes, there are places we could drill in this country, where the folks want it there and the oil is there. Off the Gulf of Mexico, near Louisiana, certain places in Alaska, it makes sense. But it does not make sense to pass an Energy bill that is back to the future because it doesn't understand that times have changed and just a couple of extra miles of fuel economy and fuel efficiency in our automobiles can mean that we will have fields and fields of energy in the future.

The last point I want to make—and then I want to talk about this amendment which is important to this bill—is that on April 25 or thereabouts, taxpayers are funding a court case where DICK CHENEY, the Vice President, is refusing to reveal who came into his office when he put together an energy report and worked on an Energy bill. It is outrageous that taxpayers have to go all the way to the Supreme Court, essentially, because they are paying for the defense of DICK CHENEY, and he refuses to reveal who met with him about the Energy bill, what they talked about, and what their interests were. We know Enron was in that meeting. That much we know. But I don't know who else was there.

So I just wanted to answer the Senator from Wyoming, Mr. CRAIG, because in my view, we did a great service to the people by not passing that particular Energy bill. Let's pass an Energy bill that is a good Energy bill.

Now, I want to get to the amendment I sent to the desk on behalf of myself and Senator KENNEDY and lay the groundwork for why it is so important to this welfare reform bill.

The last time the Federal minimum wage was raised it was $4.25 an hour. In 1996, it was raised to $5.15. It was over a 2-year period. So that is 8 years ago; 8 years ago we raised the Federal minimum wage. Those people at the bottom of the economic ladder are living on $10,700 a year.

I don't know if my colleagues are aware of what it costs to rent an apartment, if you have a family, and you are trying to raise a family on this amount of money. I guess you might be lucky, in my neck of the woods, to try and get some sort of an apartment for $800 a month or $850, if you could even find one. You can't find it around here, a decent size place. That would use up the entire salary of someone living on the minimum wage.

I say to my colleagues, please support this. How can we expect people to live on this amount of money, to be able to afford rent, food, the minimum requirements for raising a family?

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to yield.

Mr. REID. It is true, is it not, that 60 percent of the people who draw the minimum wage are women?

Mrs. BOXER. The Senator is correct.

Mr. REID. And for 40 percent of those women, that is the only money they get for them and their families?

Mrs. BOXER. My friend is accurate.

Mr. REID. So this is an issue that doesn't relate to kids at McDonald's flipping hamburgers. It relates to people supporting their families. I greatly admire the Senator for being the lead person on this amendment dealing with the minimum wage that will affect families in Nevada and around the rest of the country. Is that not true?

Mrs. BOXER. That is absolutely true. In my State we have a minimum wage that is higher than the Federal minimum wage, but there is no question that the Federal minimum wage is a benchmark number.

A poverty rate for a family of three in our country today is $15,607. And for a family of four, it is $18,850. So, yes, if you are a single mom or a single dad and you are working at a minimum-wage job, you are making less than people who are considered to be in poverty. What a travesty.

And even if you have two workers working at the minimum wage, you would barely get out of the poverty range. So we are talking about a severe deficiency in compassion. These days, we hear a lot about compassionate conservatives. I have seen a conservative side. I want to see the compassionate side on this particular vote.

How can anyone believe it is fair to keep the minimum wage where it has been for 8 years? It is not fair.

We are talking about a bill that seeks to lift people out of the darkest, deepest economic hole. We want to start them on their way to being able to take care of themselves and their families. You cannot lift yourself out of a deep economic hole on a minimum-wage job.

As my friend from Nevada points out, we used to think of the minimum wage—when I was a kid it was 50 cents an hour, and the kids took the minimum-wage jobs. What I used to work at when I was a kid was 50 cents an hour.

I am showing my age. Maybe I shouldn't do that. But we didn't look at families who were surviving on that. Today we are looking at families who are surviving on the minimum wage.

We can be sure of one thing: If we don't lift the minimum wage, people may move off of welfare into the workforce, but they will not move out of poverty.

Studies have shown that between half and three-quarters of those who are leaving welfare remain poor for up to 3 years. The courage that it takes to train yourself for work, to get up every day and not even to be able to afford to pay the rent—this isn't right.

Some may say: Senator, these minimum-wage jobs are just starter jobs. They are just a few months.

Studies prove that you may be stuck in that job for 3 years, and that is just average. You may be stuck in that job for 6 years. With the economic circumstances of the last 3 years, where we have seen a loss of 3 million private sector jobs, it isn't as if you have a tremendous array of jobs out there.

What will our amendment do? Our amendment will increase the Federal minimum wage to $7 an hour in three steps over 2 years and 2 months. It would raise the minimum wage from $5.15 an hour today to $5.85 an hour in 2 months, after enactment of this act, then to $6.45 in another year, and then to $7 a year after that. Even at that rate of $7, you are barely able to survive. But at least we are moving the minimum wage toward a more livable wage.

Let me talk about California. My State stepped out and looked at the Federal minimum wage and said: This cannot be. This will not work in our State, where the rental costs are so high; where the food costs, even though we are the breadbasket of the world, are high; where the cost of transit is high. So in my State, the minimum wage today is $6.75.

The States cannot do it alone. The Federal Government has to set the standard of compassion and fairness and make work an honorable endeavor.

The best social program is a job. I agree with that. I would much prefer that people work than not. But work has to be rewarded. You may ask: Senator BOXER, why does this bill matter since your State has a higher minimum wage of $6.75? It is very clear. The Federal Government sets the floor for workers everywhere, and it is a guide to all States, including my State. Even a small increase to $7 will help 393,000 workers in California, if California keeps the minimum wage at $6.75.

Raising the minimum wage helps many more low-wage workers than just those earning the minimum wage because it does set the standard. You have heard that many cities and counties all over the country are casting what they call ''livable wages,'' because they are looking at a minimum wage and realizing that it is really a sub-minimum wage; it isn't going to really work. Why not have a minimum wage that we can be proud of here? That is what Senator KENNEDY and I are trying to do today.

Let's look at what has happened in the area of poverty in our country. The poverty rate rose to 12.1 percent in America in 2002, from 11.7 percent in 2001. So this administration's economic policies, which caused the loss of so many private sector jobs, has seen an increase in poverty. And 1.7 million people have been added to the ranks of the poor, including many women and many children. You can be a compassionate conservative, a compassionate progressive, or a compassionate liberal, or anything you want to call yourself. Compassion is the name of the game. It will help our country. I will talk about that in a minute.

Let's look at what else has happened. First, you have 12.1 million children living in poverty today. In 2002, 34.6 million Americans were living in poverty. Think about that. I have 35 million people in my State, and 34 million Americans were in poverty in 2002. The whole State of California equals the number of people who were in poverty. That is an enormous number. My State, if it were a nation, would be the fifth largest in terms of its GDP. Imagine if every person in my State were in poverty. That is what we have. So we have 12 million children in poverty.

Let's look at something else. For the first time in many years, working Americans' wage growth is almost stagnant, while during the last term of the Clinton administration those wages grew. So what am I saying to you? We have seen an increase in poverty among women and children and families, we have seen an increase in the poverty rate, and we see wage growth that is almost stagnant.

From the end of 1996 to the end of 2000, full-time workers saw their usual weekly earnings grow faster than inflation, and those gains in real wages were evident for both higher and lower wage workers. In fact, the lowest earning 10 percent of the workers saw their wages increase 2 percent greater than inflation. So before the Bush administration, we saw this wonderful real wage growth—wages that were going up faster than inflation. In contrast, from the end of 2000 until the end of 2003, real weekly earnings for working-class Americans stagnated. The lowest 10 percent of American workers have seen their wages go up by 0.2 percent; whereas, before, they went up 2.1 percent. Now it is 0.2 percent. So people are working harder and they are just not getting ahead at all.

Again, whether we call ourselves conservatives, moderates, or liberals, that doesn't matter to me. I just think the word ''compassion'' comes into it. Also, a word that has to come into this—or two words—are ''smart policy.'' Why is it smart policy? I will get into that.

One of the arguments you hear against raising the minimum wage—and you hear it every time—is don't raise the minimum wage because it is going to hurt employers. We have heard that since the very first day I was working in a minimum-wage job at 50 cents an hour. What if Congress in the past decided to just hold firm at 50 cents an hour? I am sure Senator KENNEDY heard the same arguments all those years ago, when people came to the floor and said 50 cents an hour is enough, and don't raise the minimum wage because it will be a burden to employers.

The truth is that we have seen in the history of the greatest country in the world, when you raise the minimum wage, everyone does better. Workers perform better. They are more productive. Business does better. They are more productive. Their profit margins go up. So let us not hear the same old,

same old, same old words from the past that, oh, it is a burden on everyone. No, it has proven to be an economic stimulus.

There is another theory I would like to test with my colleagues who have supported tax breaks for the wealthiest Americans. If you are a millionaire, you are going to get back $120,000 a year. Think about that, folks. If you are a millionaire, under the Bush tax cut, you will get a cut in taxes of $120,000 a year. A minimum-wage earner today, working full time, 8 hours a day, 6 or 7 days a week, earns $10,800 a year. So my calculation is that this year's tax cut for millionaires is 11 times the yearly income of a full-time minimum-wage worker.

What are we doing? Why are we here? I admire the folks in the upper income brackets, and I happen to know a lot of them in California. Do you know what they say to me? They say: Senator, you make sure everyone is brought along. When everybody is brought along, we do better. First, we feel better about ourselves and our country, but we do better. Why do we do better? Because the people who will get this increase—the $7 an hour—are going to spend that money in the economy. It is a no-brainer.

My colleagues can make every argument about how giving back $120,000 a year to the wealthiest among us will stimulate the economy. They call it ''trickle down.'' They love trickle down when it applies to the wealthy. Oh, give it to the wealthy; they will go out and spend it. The fact is, the wealthiest people already have the refrigerator or two; they already have the two homes or three; they already have the yachts. They already have what they need. They are not going to go out and spend it. They probably will sock it away.

The bottom line is, when a worker gets another couple of bucks in his pocket and has to support his or her family, they will go to the store on the corner and spend the money, and it is going to give a boost to this economy. So let us not say that trickle down only works when you give to the rich. Let's also admit that the fact is, when you give to the middle class—and that is what I support, middle-class tax cuts and tax cuts to the working poor—you are really going to drive consumer spending. We know that low-income workers and moderate-income workers put their earnings right back into this economy, and they don't even have time to think about it because they have to buy clothes for the kids and food for the table. They will spend 100 percent of that increase; whereas, the wealthier taxpayers are unlikely to put that windfall back into the consumer-driven economy.

To just sum up my remarks—and I know the Senator from Massachusetts is going to add mightily to these arguments—let me say this. We are doing a welfare bill. Everybody wants to see people get off welfare and go to work. Every one of us should also want to make sure that when people get into the workforce and they work hard, their work is rewarded, their work means something, and they won't be stuck in poverty forever if they are stuck in a minimum-wage job.

Let us show not only our compassion, let us show our respect for work; let us show our understanding of economics.

I have a degree in economics. Granted, it was a long time ago. I was a stockbroker and it was a long time ago.

I know when you put money in the hands of people who need to spend it, it is going right back into the economy. This particular amendment has all the attributes we should all want to see. It will be a stimulus to the economy. It will get people out of poverty. It will set a standard for the rest of the States. It is fair, it is overdue, and the time is now.

I commend my colleague from Massachusetts. This is his initiative. He knows how much I care about this issue and is willing to share it with me. I am so honored to have my name associated with this amendment. I am very hopeful we can come together today and adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, there is no doubt we are going to have a vote on minimum wage sometime, maybe on this bill or at least on some other bill. It is one thing to ask for an agreement to vote on a nongermane amendment—the majority party has the responsibility of getting work done, although we are cognizant of the fact we do not get anything done in this body if it is not bipartisan. We want to move this legislation along because it is so important to moving people out of poverty.

As I said yesterday, some are on the edge of society, out of sight and out of mind, if they are on welfare. They are never going to move out of poverty if they are on welfare.

As I said yesterday, and the Senator from Massachusetts misunderstood me, if you are ever going to move out of poverty, you have to be in the world of work. Being in the world of work does not automatically, even with an increase in the minimum wage, guarantee you are going to be out of poverty, but at least you have a chance of moving out of poverty; whereas on welfare you are destined to a lifetime of poverty.

We are interested in moving this legislation along, and it would help a little bit reaching some understanding of voting on these amendments if we knew we were going to get this bill done and help the people who need to be helped.

The point I want to make in regard to this amendment, and it is also in conjunction with the offering of nongermane amendments on other bills I have had before this Senate by the other party, is it seems to me they are always missing the point. They are always getting the cart before the horse.

The bill before the Senate 2 weeks ago was a bipartisan bill that Senator BAUCUS and I worked out. It came out of our committee with all the Democrats supporting it. It encourages the creation of jobs in manufacturing by reducing the tax on manufacturing because that high tax on manufacturing is a disincentive to the creation of jobs. And it happens to be an incentive to outsourcing of jobs.

Also, because there is a tariff against some of our products going into Europe, this would eliminate that tariff so we could be competitive. OK, that legislation is a bipartisan approach to creating jobs in manufacturing. So what does the other party do? They offer an amendment dealing with overtime regulations.

They get the cart before the horse because the first thing we have to do is create jobs for people to get overtime. That legislation stalled because of nongermane amendments.

Now we have what is a legitimate subject of discussion—but somewhere else—increasing the minimum wage. That has been a legitimate point of discussion since the 1920s, and it has been the law in this country since 1938. Nobody denies that is a worthy subject of discussion. Again, another example of getting the cart before the horse is that we are talking about getting people who are on welfare, not working, a job. Let's get them in the world of work.

We have Members on the other side of the aisle stalling this legislation with nongermane amendments.

We have to put the priorities where the priorities ought to be: to help people get jobs and keep jobs so that all these other issues that are coming up will be applicable to more workers.

I am going to address for a short time this issue of the situation of people on welfare and our opportunities to move them to work to emphasize the success of that program in the legislation we have had on the books since 1996 and to see if we cannot improve that legislation in the bill that is before the Senate and move forward with another 8 years of success of moving people from welfare to work, giving them an opportunity to move up the economic ladder.

The families who go on welfare are, obviously, very vulnerable and fragile families. They not only need a job, but they need support in moving from welfare to work. We are not going to dump them out in the cold cruel world of work. Legislation that is already on the books and is going to be improved by this bill is going to enhance their support. We have already demonstrated that with one overwhelming vote on more money for childcare. I have heard that a long time from that side of the aisle, as we have heard from a lot of Republicans. One would think they would want to pass this legislation to give people on welfare who are moving

into work the support they need to get there. This legislation does it. But the shenanigans on the other side with nongermane amendments are holding that up.

The average family on welfare has two children, and that average family is headed by a young woman. Most of these families are African American or Hispanic. Half of these families have a child under the age of 6, and we take into consideration in this legislation specific needs of families with children under 6.

The women who head these families are desperately poor. That is what welfare does for people, it keeps them in poverty. These women who have these families, besides being desperately poor and, contrary to the way the argument over minimum wage was characterized, they are not working. That is why it is so important to get this legislation passed before you worry about minimum wage because we have to give them the support so they can get out there in the world of work so they can get the minimum wage in the first place.

States are reporting to us that the majority of adults on welfare are not doing anything. In other words, they are not working and maybe not doing anything that will lead to work, as we are trying to help them do through this infrastructure of support, of helping with job training and education, with substance abuse and other problems families might have because it is quite obvious in the world of welfare, it is not a way to achieve self-sufficiency. Many of these adult recipients are not ready for full-time work, so discussions about working 40 hours do not really apply to this population. In fact, for a while the argument over welfare reform focused on President Bush's proposal to require adult recipients on welfare to be engaged in work activities for 40 hours a week. That outraged my Democratic colleagues, that the administration would propose raising the hours of activity, including work, to 40 hours. Just as if out there in the world of work it isn't assumed, not anything less than 40 hours a week, for the most part. So it is somewhat ironic that we are here discussing a 40-hour work week scenario because, as I said, most of these adults on welfare are not working at all and if they are working they are surely not working full time.

These are adults, and again they are mainly women, with multiple and often coexisting barriers to work. They may be the victims of domestic abuse. They may have substance abuse problems. Add all that together and you have people who need services that this legislation provides to get them ready to go to work. So you worry about this person. Are they getting a minimum wage at this level or at that level? That is why this discussion over minimum wage is just a little confusing to me, as legitimate as it is for Congress to discuss the minimum wage, because we have set the minimum wage since 1938. But in connection with these people, they oftentimes are not earning any wage. But they are people who need services if they are ever going to get that job.

I am hopeful we will be able to work something out on minimum wage, and that we can complete our work on this welfare bill. I think people on the other side of the aisle, if they could indicate to us finality on this legislation, there can be some accommodation. Because families in need are waiting for us to get this done. It is a very successful program that started in 1996 and we need to continue it. This legislation fine-tunes it; it improves it; it strengthens it. We spend more money to do a better job of support for people who need to go to work.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BAUCUS. Mr. President, I see the Senator from Massachusetts, who would like to speak on this amendment. I will be very brief.

The chairman of the committee is a good friend of mine. We have worked very closely together on most legislation. This is one bill where we are not working together as closely because we have somewhat different points of view.

I appreciate the chairman's view that this side of the aisle is attempting to drag things out a little bit. The fact is, our side is willing to have a vote on this amendment and on other amendments. We will enter time agreements. There is no attempt to delay at all. In fact, when I was sitting here yesterday I think the Senator from Massachusetts suggested 20 minutes for a time agreement. That is, he would agree to a vote in 20 minutes. I am not going to put words in the mouth of the good Senator as to how many minutes he would like in the time agreement now, but the point is we are willing to have votes and to vote very quickly on all these amendments. We are not holding up anything.

It is also interesting to note when this welfare reform bill came up for debate in 1995, there were 40 recorded votes on the floor. I think we have had one thus far in the reauthorization debate. I think better legislation results when amendments are offered, when they are debated, and when they are voted on. This way, Senators can decide whether they want to vote for or against a particular amendment.

The Senator from Iowa and myself work very closely, as I said. But I want to make the record clear that there is nobody on this side holding up passage of this bill in any way. We are willing to enter into time agreements on any amendments that may be offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first I thank my good friend from California, Senator BOXER, for offering this amendment. It is one I feel strongly about and support strongly. I thank our ranking leader on the Finance Committee, Senator BAUCUS, for his support. I will make a brief comment to my friend, and he is my friend, the chairman of the Finance Committee, about his concerns and objections to considering the minimum-wage increase on this bill that is an attempt to move people off welfare into work.

In reviewing the legislation that is before us, I would like to direct the chairman and those Members of the Senate who feel this amendment is not relevant to the underlying bill, page 4 of the committee's report where we have the Secretary, Tommy Thompson, talking about:

> The most humane social program is a healthy and independent family that has a capacity and ability to have a good, paying job.

This is the Secretary of HHS testifying in favor of the overall legislation. He is talking about having a good-paying job.

We know a minimum wage job today is not a good-paying job. The Boxer-Kennedy amendment will make it closer to a good-paying job.

Then it continues, on page 12, the reason for change:

> The Committee bill provides for States to continue their successful efforts to move welfare recipients into good jobs.

What are good jobs? The minimum wage jobs at $5.15 or the jobs at $7 an hour? States have directed considerable resources into moving welfare recipients into meaningful employment. That is what we are talking about, meaningful employment. This is what the Secretary of HHS said. This is the reason for change in the committee bill. That is what it is all about.

Then continue on to page 21:

> The Committee bill recognizes the success received by TANF and the Work First programs are a result of a sustained emphasis on adult attachment to the workforce.

''Attachment to the workforce'' means having a paycheck, a decent job.

I believe this legislation is directly relevant to the underlying theme of the legislation. But I say to my friend from Iowa, if he wants to give me a time agreement on a separate bill and give us the assurance we will be able to consider it by the first of May, as an independent bill here on the floor of the Senate, with a time limit, I would be glad to urge my friend and colleague from California to withdraw the amendment and take that, if that is agreeable to the Senator. We are not trying to hold the bill down.

I will propose a time limit on my amendment. It is now 10 after 3. I propose unanimous consent that we vote on this amendment at 3:30.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. That is in another 20 minutes. The point has been made about how this legislation is slowing

the bill down. We indicated we are prepared to vote, at least in 20 minutes, on this legislation. We were prepared yesterday to vote on it. The problem is, it has been now 7 years, 7 years where we have been denied the right to vote on it.

Mrs. BOXER. Will the Senator yield?

Mr. KENNEDY. I yield to the Senator.

Mrs. BOXER. I am sure the Senator would be happy to agree to a 5-minute limit. The Senator from Iowa gets up and says this is a noble thing to raise the minimum wage, but you are holding up the welfare bill.

We will vote on this in 60 seconds from now. The American people are for this. Does my friend agree the American people are fairminded and for this?

Mr. KENNEDY. The Senator is correct. The American people understand fairness. They believe if you work 40 hours a week, 52 weeks of the year, you should not have to live in poverty in the richest country in the world. The American people understand that is basically what we are talking about, fairness and respect for people who are doing a day's work. The American people are overwhelmingly in favor of an increase in the minimum wage, and for actually a good deal higher wage than the one we are proposing.

Mrs. BOXER. Mr. President, will my friend yield for another question?

Mr. KENNEDY. Yes.

Mrs. BOXER. We are charged with giving pay increases to the Federal workforce. We do it every year, do we not?

Mr. KENNEDY. The Senator is absolutely correct.

Mrs. BOXER. Our colleagues accept it. I do not know of anyone who does not accept the automatic adjustment in their pay.

Mr. KENNEDY. The Senator is correct.

Mrs. BOXER. Does the Senator not think it is an outrage? We work hard and we make a decent living. We get an automatic cost-of-living adjustment unless we stop it. Yet the same people who take a cost-of-living adjustment for themselves won't give a small increase to the people at the bottom of the ladder who are trying so hard to make something of themselves and rise above problems, illness, and poverty—sometimes for generations—and want to be able to get into the workforce.

My colleague says Tommy Thompson says it is important that these be good jobs. I wonder if any of our colleagues could live on $10,800 a year. I do not think they could. I do not think so.

Mr. KENNEDY. I thank the Senator for her comments.

I want to point out a few facts on the increase in the minimum wage.

This is the second longest period in the history of the minimum wage that Congress has ignored the plight of low-wage earners. The first time President Bush signed a minimum wage increase was in 1989. That was after 12 years of inaction. It has been 7 years since the last increase. It is long past time for Congress to prioritize the lowest workers.

Let me give you a chart that makes the point which the Senator from California and I have tried to make over a period of time in this debate. Here we have people who are working hard but losing ground with the real value of the minimum wage. If we were to take effectively the year 2000 and use that as the equivalent, the minimum wage in 1966 would have been $8.50. Even though now at $5.15 an hour, its purchasing power using 2000 dollars would be $4.98, which would be one the lowest levels it has been in the history of the minimum wage unless we increase it. Even going up to $7, it will still be lower than it was from 1968 until 1980, a period of some 12 years. This is a very modest increase without which we will reach the bottom in terms of real purchasing power.

Let us take another indicator in terms of what the minimum wage is in relationship to a family of three. This is the red line representing what the poverty line has been, and that is for a family of three earning slightly below $16,000. This is the poverty. This represents the value of the minimum wage which we show for a family of three—well below the poverty line.

Let us ask ourselves, What about those people receiving the minimum wage? Are they working? If we go from 1979 to the year 2000 and look at the minimum wage—this is the bottom 40 percent of U.S. family income—we find these workers in the bottom 40 percent are working more than 400 hours. The average worker in this country is working longer than any other industrial nation in the world. These are hard-working people who are trying to make do the best they can.

We find African Americans are working even longer and harder. Hispanics are working even longer and harder. These are minimum wage workers in the bottom percentile. They are working long and working hard trying to make ends meet. And they can't do it.

We have seen over the period of the last 3 years the increase in the number of people who are living in poverty. It was 31 million in the year 2000. In 2002, it is more than 34 million. There is a direct result of this administration's economic policy. Three million more Americans are living in poverty. That represents today more than 34 million people living in poverty, including 12 million children. More than 400,000 children today are living in poverty compared to the year 2000. We have had no increase in the minimum wage. We are trying to do something about it.

This bill does nothing in terms of raising the income of some of these families. This proposal will make a difference in terms of income.

We will probably have those come on the floor as they usually do and say, Senator, this is very interesting, but we know if we raise the minimum wage we are going to see the result of increasing unemployment. There will be two reasons in opposition. I have been debating minimum wage increases since I have been in the Senate. These are the two standard ones.

First they say if you raise the minimum wage, we will see an increase in unemployment. That is not true. We can show it. I will reference the figures.

Second, the last issue is inflation. I will address that quickly because I want to get to the real issue; that is, what is happening to these families who are living in poverty. That is the real issue; particularly what is happening to the children who are living in poverty.

That is the real issue. What is happening to them in terms of hunger is the real issue. Let us get rid of these issues quickly; that is, increasing the minimum wage does not cause unemployment. We increased it in September 1996, and we increased it in 1997.

This red column is where unemployment was in January of 1998. That is obviously almost 2 years after the increase in 1996 and a few months after the increase in 1997. These are fairly significant figures in terms of unemployment.

Look at the national figure—5.2 percent in 1996, 4.7 percent in 1997, and 4.7 in 1998. That is exactly the same 4.7 percent. That is after the last increase in the minimum wage.

It was true among African Americans.

You will hear the argument: That is fine, generally, but the Senator and Senator BOXER don't understand this has a particular adverse impact on African Americans. That is not true. This chart shows, looking back to 1996 and the last major increases, unemployment virtually remained stable. That is true with regard to the Hispanics and it is true with regard to teens. Let us dismiss that argument in terms of unemployment.

The other issue they will raise is, Well, this increase in the minimum wage is going to be an inflator in terms of our economy.

Listen to this: This increase in the minimum wage represents less than one-fifth of 1 percent of wages of all workers in the country. Inflator? I hope they are going to have a better argument than that. They can't make the argument, although they will try. They will say: Add that increase to minimum wage and you will get inflation; and, think of all the people who will pay with inflation. You will increase unemployment among minorities. All of those arguments have been answered in spades. There is no economic argument in opposition to this unless you are trying to squeeze these workers even harder in order to try and exploit them even further.

I will point out the real issue and its impact on the most vulnerable population. We know today that America's children are more likely to live in poverty than Americans in any other age

group. The U.S. child poverty rate is substantially higher, two to three times higher, than that of most other major western industrial nations. Isn't that a fine situation?

Mr. SANTORUM. Will the Senator yield?

Mr. KENNEDY. I will be happy to yield. After 5 or 6 minutes more of my presentation, I will be glad to yield for questions.

The child poverty rate is substantially higher, two to three times higher than most other western industrial nations. Reducing child poverty is one of the best investments Americans can make in their Nation's future.

More children will enter school ready to learn; we will have more successful schools; there will be fewer school dropouts; we will have better child health with less strain on the hospitals and public health systems; we will have less stress on the juvenile justice system; we will have less child hunger and malnutrition.

The fact is, the number of children living in poverty and the number of children going hungry every single day has increased significantly over the period of the last 3 years.

The bottom line is, 3 million children have parents who would benefit from a minimum wage increase. We have an opportunity to do something about the 12 million American children living in poverty and the 400,000 children more living in poverty today than were living in poverty 2 years ago. We can make a difference because so many of these children are living in families with minimum wage earnings. That is the issue.

We hear the arguments on the other side, and we can answer those in terms of inflation and unemployment. Those questions have been answered. I will not take the time unless we are challenged on the issues, including historical unemployment figures and all the rest.

This is about children. It is about women. As I mentioned, and then I will yield to my friend from Pennsylvania, this issue is about women because 61 percent of those who earn the minimum wage are women. It is about children. We know that 3 million children live in families whose parent is working in a minimum wage job. So it is about women and children. It is about civil rights because a great number of these minimum wage workers are men and women of color. It is about fairness because Americans understand if you want to work 40 hours a week and can work 40 hours a week, 52 weeks a year, you should not have to live in poverty. Americans understand that.

The final point I make, these minimum wage workers are men and women of dignity and pride. Too often around here we say: Minimum wage workers, we have other things to do. These are some of the hardest working, most decent men and women we have in this country, who take a sense of pride in the work they do, which is menial, tough, repetitive work—cleaning out the buildings of American industry, also working as assistants to teachers, working in nursing homes, looking after the elderly people of this country. This is hard, difficult, challenging work, but they take a sense of pride in it.

We have refused to increase the minimum wage now for 7 years. As I have pointed out, this chart shows the history of the increases in the minimum wage. It is not a partisan matter. Going back to 1938, we have the increases under President Roosevelt and President Truman. President Eisenhower increased the minimum wage in 1955. President Kennedy did in 1961; Lyndon Johnson in 1966; President Ford did it in 1974 three different times, for 1974, 1975, and 1976. President Ford, a Republican, did it. President Carter, in 1977; President Bush I did it in 1989; President Clinton in 1996.

This has been a bipartisan effort. That is why it is so difficult for many to understand why those on the other side have refused the opportunity to even get a vote. I welcome the chance that we will have this time to get a vote.

I point out, and then I will yield to the Senator from Pennsylvania, what moving up to $7 an hour means to a family earning the minimum wage. It is the equivalent of 2 years of childcare. It is more than 2 years of health care for that family. It is full tuition for a community college degree. It is a year and a half of heat and electricity. It is more than a year of groceries, and more than 9 months of rent. It is real money for real people who are working hard, playing by the rules, and are waiting for this body to take some action.

I yield the floor.

Mr. SANTORUM. Mr. President, I think the Senator from Massachusetts makes an important point about what we should be doing to reduce poverty.

The Senator from Massachusetts made statements that increasing the minimum wage has an impact on child poverty. I have not seen a chart that indicates that. If the Senator could put up the chart when the minimum wage increases went into effect, my question is—we are on the welfare reform bill. This welfare reform bill has had a dramatic impact on child poverty. In fact, if you look at the chart, it shows the increases in the minimum wage—I will have a chart that compares with that; we have dueling charts that work in concert. The Senator shows where the minimum wage was at very high levels that happened to be in about this area. I am using Black child poverty, but obviously that is the worst case scenario. During the highest level of poverty among African Americans, we had a high minimum wage.

All throughout this time—in fact, as you suggested, the minimum wage actually came down in real value—what else came down? The rate of Black child poverty.

Now, I would not suggest that the minimum wage was necessarily tied to that. What I would suggest is what happened was a fundamental change in welfare policy that started in the mid-1990s and accelerated in 1996 by the Federal Government and has resulted in a huge decline in poverty, irrespective of what the minimum wage is.

I make the argument that if the Senator wants to do something about helping child poverty, we should pass this welfare bill. Maybe there is a time and place to have the argument with respect to minimum wage, but I do not believe the evidence supports that increasing the minimum wage has any discernible impact on the poverty level, certainly among African American children and, I argue, across the board among children in general.

Finally, the point I want to make, since——

Mr. KENNEDY. Is that a question? I am about to yield the floor generally, if you could get to the question. What is the question? I would be glad to answer.

Mr. SANTORUM. I thank the Senator. I want to make the point in the last 10 years, the child poverty rate has declined almost 30 percent. During that time there was one increase in the minimum wage, but there was a dramatic change in welfare.

I ask the Senator, does he have any information that shows that the minimum wage actually does result in a decrease in child poverty? I think I have very conclusive evidence that changes in welfare policy have a dramatic impact on the reductions in child poverty.

Mr. KENNEDY. Mr. President, the fact is self-evident and should be to all Members. We do not need charts. If you are making $5.50 an hour and you are the principal bread winner in the family with a child, that child will live in poverty. You can have all the charts in the world, but that is self-evident. That ought to be a given.

We do not have to dispute that. I hope we would not have to dispute that. Those are the hard, difficult facts.

The issues about the variance in terms of child poverty, obviously, when we have the dramatic expansion as during the period of the 1990s under President Clinton, we saw the creation of 22 million jobs. We saw that spill over into a reduction of child poverty. That is the answer. The fact is we have not seen that.

In the last 3 years, we have seen a growth in poverty in the total number of people who are living in poverty, including children, because we have lost 3 million jobs—effectively maybe 2 million overall—but 2 million jobs. The fact is, the new jobs that are being created are paying about 25 percent less than those they are replacing.

With all respect to the Senator, the idea that at $5.15 an hour when you have a child or two children they are not going to be living in poverty escapes me completely. I do not think we

need any chart to show that. That is fairly self-evident.

I do not know what the situation is in Pennsylvania, but I do know in the other States I have visited in recent times, people cannot make it. At $5.15 an hour, how is a parent going to be able to go out and rent an apartment and provide food for their children? That does not make sense.

The fact is, almost half of the new jobs that were being created for those who have moved off welfare now have disappeared. That is a different issue, and we could debate that, and I would be glad to. That is not what this amendment is about.

This amendment is relevant to the underlying issue. As I have raised before with Secretary Thompson, the purpose of this bill is to try to get people into somewhat decent jobs.

We raised this over 2½ years, up to $7 an hour, almost a living wage. We think in this country, at this time, this is something that is called for, and we are prepared to move ahead with it.

I see the manager on this bill. We can either take some more time or we can try to move toward whatever outcome the floor managers would want. If we want some additional debate on it, we are glad to do so. But if you want to move toward a conclusion of it, we are glad to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I believe the Senator from Massachusetts is insincere about moving forward on both this minimum wage increase as well as moving forward on this bill. I will offer a unanimous consent request to do just that.

Mr. President, I ask unanimous consent that tomorrow morning, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to back-to-back votes, first in relation to a Republican minimum wage amendment, to be followed by a vote in relation to the Boxer amendment, with no second degrees in order to either amendment; provided further that the bill then be limited to germane amendments, and at 9:30 a.m., on Thursday, April 1, the substitute amendment be agreed to, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate. Finally, I ask consent that following passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Before the Senator from Massachusetts comments on this request, I would suggest what this unanimous consent request says is the Senator from Massachusetts will have a vote on his amendment, the Republicans will have a vote on a side-by-side amendment, we will go to final passage on this bill, with germane amendments being offered and voted on in between that time; and after passage of the bill, this bill will go to conference, and we will have an opportunity for the House and the Senate to work their will and to actually get this welfare reauthorization passed for another 6-year period.

So if the Senator from Massachusetts is sincere about getting the minimum wage increase voted on here in the Senate, and not holding up this piece of legislation, I would hope he would be willing to accept this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for commenting on my sincerity because I indicated yesterday I was interested in a 15-minute time limitation on this amendment, and it was objected to by the Senator from Iowa. We indicated we were willing to vote at 3:30 today, and it was objected to.

So now the Senator, if he wants to amend that request—since these are directly related to the issues of employment—to include an amendment with a 1-hour time limitation on the issue of overtime, an amendment with a 1-hour time limitation in terms of unemployment compensation, and then to have relevant amendments and time limitations on those amendments of up to an hour, I would not object to that.

So, Mr. President, I object, and I offer a unanimous consent request along the lines I mentioned.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the modified unanimous consent request of the Senator from Massachusetts?

Mr. SANTORUM. Mr. President, I think it goes to state the case that the Senator from Massachusetts, in offering these other ideas, is in fact not interested in the Senate working its will on welfare reform, which is the bill before us, but bringing the political motives and debates that are surrounding the Presidential campaigns here on the floor of the Senate, and to have sort of ''message theme'' amendments on a very serious piece of legislation that needs to be passed to create opportunities so this line on this chart can continue to go down.

Because what we have with the welfare reform reauthorization bill is something that is going to continue to move people out of poverty, to create better opportunities for work. What the Senator from Massachusetts is suggesting is, instead of that, we are going to extend unemployment benefits. What we need to do is create better incentives and better education, training, and an enormous amount of childcare to help people go to work, not extend unemployment benefits.

Again, we are in this situation where the Senator from Massachusetts said: Well, if we just do this. Now it is: Well, you need to do this, and this, and then this. The bottom line is, we have a lot of substantive debate that can and should occur on this legislation. If there are relevant amendments, we would be happy to debate them. But the amendments the Senator from Massachusetts now wants to bring in are not relevant, and, therefore, I have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I would like to spend a few minutes talking about this bill and the importance of why we need to move to the passage of it.

The Senator put up his chart of minimum wage increases. I voted for those minimum wage increases. I would vote for a minimum wage increase in the next 10 minutes if we could have gotten that agreement. I would have been happy to vote on a side by side, and I would have supported Senator MCCONNELL's amendment, which would have raised the minimum wage, and would have raised it by over a dollar over the next couple of years.

I think it is important that we talk about this issue. But I think the most important thing we can do for the poor in America—and I found it remarkable the Senator from Massachusetts can look at his chart, that shows the minimum wage at very high levels in real dollars, during a time when child poverty, and particularly African-American poverty, has been at its highest and he says it only makes sense if you have high minimum wage, you are going to have low poverty rates.

Tell the people living during this time who were experiencing high poverty rates how much sense it made. Because in reality it made no sense because it was not happening. A high minimum wage does not guarantee low poverty. What, in many cases, a high minimum wage guarantees is unemployment and very high rates of poverty.

What we have is a situation where we had higher rates of the minimum wage. We also had a welfare system that was debilitating on the poor, designed by the very same people who think the minimum wage is the answer to poverty.

It is the same economic team, folks, which believes Government micromanaging of every person's life and business in America is the way to make sure everybody achieves. Guess what. It did not work. It did not work. What worked? Work. Yes, what every American knows. But there is a commonsense deficit in this city. What every American knows, as common sense, that work works to improve people's economic status in life, has been lost here in the Senate, was lost for many years when it came to the issue of poverty in America.

And, oh, I remember, sitting in the chair where Senator GRASSLEY sits today, and sitting in this chair at times in 1995 and 1996, when scores of

Members who designed the welfare system in the 1960s and 1970s, who designed the minimum wage increases in the 1960s and 1970s, who said that was the answer to solving poverty in America, that was the answer to solving poverty in America, came to the floor and said: How dare you. How dare you suggest we require people to work. How dare you suggest we put a time limit—a time limit—on people on welfare. Don't you understand? These people are poor. That is a disability greater than any other disability people encounter in life—at least if you listen to the other side, that is what you would think they were saying.

President Bush uses the term ''the soft bigotry of low expectations.'' There was no soft bigotry. This was hard bigotry of low expectations. If you were poor, you needed our help, you needed Government to give you dollars, you needed Government to raise your wages. And that was going to solve the poverty problems in America. It did not work. What worked? Work.

Here we are in the Senate Chamber. I find it absolutely ironic. We have Senator GRASSLEY standing up for the new war on poverty, his bill out of committee, increasing the work requirement, yes, increasing support for women who are trying to get work, including daycare and other services. On the other side we have, no, we need the Government to fix the economy and raise the minimum wage. It is a classic difference in the perspective of what the role of Government should be. We stand here today and say, you can debate all you want about the minimum wage. I am not suggesting it is a bad thing, but it is not a panacea. It bears no relationship historically to reductions in poverty. Why? Because most of the people who get the minimum wage jobs, as the Senator from Iowa said, in the past are not heads of households; they are teenagers, many of whom are in very wealthy homes. That is who we are helping with minimum wage increases primarily. We are helping some others, but if you really want to help those who have not had the chances economically, if you really want to lift people out of poverty, then work and developing and nurturing a system that encourages people to get their lives together and to get into the workplace to achieve is the answer. That is what this bill does, and more.

That is why I am so excited about this bill because we have found out that, yes, work works. This is the lowest rate of African-American child poverty ever recorded in America. By the way, in the last year, 2002 and 2003, yes, because of the recession, black poverty among children went up, but very slightly, 1 or 2 percent, during a time of a lot of job loss.

If you look at the other statistics, for example, one that probably mirrors this, as far as high rates of poverty, had to do with single mothers never married. What we saw was single mothers never married, historically the rate of employment among single never-married mothers was around 40 to 42 percent historically. It was an intractable problem that people said could never be fixed. Then we passed the welfare reform bill in 1996. Now 63 percent of single, never-married mothers are employed.

That is remarkable to see those kinds of dynamic shifts. By the way, that number has not changed in the last 2 years. The employment levels have remained the same as they have basically within the welfare system.

The Senator from Massachusetts has said things have been terrible the last few years in the job market and people in poverty have been hurt. The bottom line is, the welfare rolls continue to be low. They have not shot back up.

In fact, I was reading an editorial from a paper I generally don't read editorials from, my hometown paper—not necessarily fond of me. They happened to write a lucid editorial, sort of the blind squirrel phenomenon. They wrote an editorial in the Pittsburgh Post Gazette, ''Shrinking Welfare, the Statistical Mystery of a Smaller Dole.'' They comment on the fact that here we are, during 3 years where there has not been dramatic job growth, and yet the welfare rolls are not going back. They were sort of at a quandary as to why.

They say: Although welfare reform still has problems, single mothers often have considerable difficulty obtaining childcare—after we passed now $7 billion; we have over doubled the amount of daycare that is going to be available under this bill—these numbers suggest it is working.

The numbers suggest welfare is working. For whatever reason—gosh, I can't imagine; it is again another common-sense deficit—more people are trying to do for themselves instead of asking government to do for them.

Go figure. Let me repeat this. For whatever reason, more people are trying to do for themselves instead of asking government to do for them. Even if the experts can't explain it, they conclude that is a good thing.

Do you know what. That is a good thing, what we did in 1996, despite the protestations, despite the charts with pictures of people standing in bread lines, sleeping on grates, of just absolutely cataclysmic predictions of what would happen to rates of poverty, which were around this level at the time, we had projections that black poverty among children would skyrocket, that women would be thrown off welfare and not be able to raise their children, that we would have dramatic changes and riots in our poorest neighborhoods because of this welfare reform proposal that was being put forward. I will read some of my colleagues' predictions of what would happen to poverty.

Guess what. They were wrong. Those of us who stood here and said, have faith in the poor in America that they, too, want a better life for themselves and their children, and they are willing to work for it, if given the incentives and the opportunity to do so, if given the tools to make work work, they, too, will pursue the American dream, we had faith in them. Too many others have faith only in the government to take care of them.

Having talked to numerous people who have been on welfare—in fact, in my office in my State, I have hired nine people from the welfare rolls. They have worked through all the problems, and there are problems in someone transitioning off of welfare. I can tell you that every single one thanked me for having faith in them, thanked me for passing a bill that didn't say that we needed the government to be there to protect them and keep them in poverty and dependent upon it, but trusted them that, if given the tools, that they, too, could take care of their family and feel better about it every day, knowing full well it would be a struggle and continues to be a struggle.

But there is honor in the struggle to provide for your family. There is honor. There is dignity. There is character in struggling to provide for you and your family.

Millions of women—predominantly women; welfare is predominantly a woman's program, a single-mother program—have courageously gone out and fought for their families because we gave them the tools and incentive to do so. They have changed their lives for the better, and they have given their children a hope, a model that they can build a life on, that they can build on the success of their mother who overcame addiction.

A young woman spoke to our Republican conference this morning from here in DC, incarcerated many times, addicted, so bad that she lost her three children to foster care. Then welfare reform came around, made her go to work. And today she has her three children back.

She not only got a job, she now has a small business where she employs four people in town. She didn't do it with an SBA loan or any Government help at all; she saved a little money and started her own business. In the last 6 months, she got married. You have to believe in people. You have to believe that poverty is not the ultimate disabler.

That is why this bill is so important. That is why this bill has to be passed, because we have 28 States right now, where all of the requirements that we have put on the States to have work programs, to get people transitioned off of the rolls, to provide the support services to transition people into the economic mainstream in 28 States—that incentive is now gone. So in 28 States in America, we are back to the old AFDC days. That will have an impact.

Let me tell you what one of the reasons is I am so excited about this bill. It is the next step in welfare. We knew—those of us who helped design

the 1996 act—this was the first step, that work was the most important thing. There were other important things, but we understood work was the central focus. But there were other causes and concerns we wanted to deal with.

Senator GRASSLEY had this chart up. It is a chart by Haskins and Sawhill. They are from the Brookings Institute. I think even the Senator from Massachusetts would admit that the Brookings Institute is not a conservative think tank. It is seen as the left-leaning think tank in town—or one of them. Elizabeth Sawhill is a former Clinton poverty expert. Ron Haskins happens to be—I don't know how he got in there—he is a fairly conservative guy. We have our differences. Anyway, Ron and Elizabeth worked together on this. This is a peer-reviewed study that isolates factors of poverty. This is the official poverty rate, 13 percent. Remember what we said back in 1996: Work works. You have to get people into work. That is the best cure for poverty, the best way to turn your life around. That is the best medicine for children—to see mom get up every day and go to work, instead of receiving a welfare check. Guess what. It works. With full-time work, poverty rates go down to 7.5 percent.

The other thing this bill does is understand we have to keep this and, in fact, improve upon it. We are going to increase the work requirement by 20 percent. Interestingly enough, we increased the amount of daycare by 100 percent. So this is, again, Washington logic. We are going to require people to work 20 percent more, so we need 100 percent in daycare to pay for that. Nevertheless, there are other factors involved that reduce poverty.

Marriage. The President's initiative is, again, common sense. It is an understanding that the poverty rates are lower among married couples than they are among single heads of households. So one of the things the President wanted to do with his marriage initiative is to create at least a positive or nurturing atmosphere for couples who enter the welfare system with the intention of getting married to actually get married and raise a family.

There was a study done by a professor at Princeton that asked the question upon paternity establishment: Are you in a relationship? What I mean by paternity establishment is that most States figured out the best time to establish who the father of the child is is in a hospital; so most States have adopted that as a way of establishing who the father is, and then using that to get the father to pay child support. That was something that was a very big contentious point in the welfare bill of 1996. We required paternity establishment in the States, that they have an active program to find out who these fathers were. This was the whole deadbeat dad issue and the fact that there were enormous amounts of uncollected child support. So we did a whole lot of things on child support enforcement and paternity establishment because there was a huge number of women on welfare who either refused to, or don't, for whatever reason, identify the father of the child. From my perspective, to try to get the father involved in the child's life, I thought paternity establishment was going to be very important.

The States have a different view. They saw it as a way to get cash—establish paternity so we could get child support and we could get money. They were not particularly interested in whether dad did anything to raise the child other than to send the check so the State could get some of the money. They would then reduce the benefits to the mother in proportion to the child support being paid by the father. There is an incentive for the States to find out who the father was and attach wages, if necessary, and get the child support flowing into the State coffers.

That is not exactly the most nurturing conclusion that I thought would occur by finding out who father was. I had this funny idea that maybe if they found out who the father was and the father became involved in a legal way with his child, he might take some responsibility for that child. That is not, unfortunately, what has happened. There are a lot of factors involved, including a culture in many communities that is not nurturing of fathers taking responsibility for their children—at least in the popular culture. In a segment of the popular culture, it is not reinforced that fathers should take responsibility for their children. It is a misogynist popular culture that abuses women in song, in video, and in many other ways, and teaches you not to take responsibility for your actions. So the popular culture, matched up with the State that was just interested in money, has resulted in incredibly high rates of absent fathers.

What are we going to do about that? What should we do? People say, Senator, what is the Government's role in marriage—to encourage people to marry? Why doesn't the Government stay out of it? I argue that the Government is already in it because, prior to welfare's inception—and you can say this is a good or bad thing, but it is a fact—prior to welfare's inception, one of the reasons mothers and fathers stayed together was because there wasn't any money to support the child at all. The Government didn't help raise children at all. There was no money. That is when sort of a popular joke regarding the shotgun wedding came about, because mom had no means to support herself and her children. So families required fathers to stick it out.

Many will say that was not the optimal situation. I agree. But ask the question now, are we better off now? Are the children better off now? As the Senator from Massachusetts said, it is about the children, isn't it? Are the children better off now in this culture?

I would make the argument that the Federal Government has already done its part in taking sides on the marriage debate, and that is, it has been an enabler of the dissolution of marriage because it is no longer required to support and raise your child.

Again, you can argue positives and negatives about it, but that is a fact. Economically, it simply was not possible 50 years ago. Economically, it is a viable option—I am not saying the best option. I am not saying better or worse. All I am saying is it is an option that was not available before. So the Government has taken sides on the issue of marriage.

What I am suggesting, and what this bill suggests, is the Government try to shift gears to be somewhat neutral on the issue. What do I mean by that? A researcher from Princeton I started talking about did a survey asking whether mothers and fathers at the time of paternity establishment were in a relationship. Actually, a very high percentage said yes at the time. I think it was roughly 80 percent said they were currently in a relationship.

They were asked the question: Do you have any intention of getting married? Again, a very high percentage of these young parents or new parents said, yes, they actually were contemplating marriage—over 50 percent. What happened?

By the way, what did the Government do during this time? The Government basically said: OK, dad, sign here, make sure you establish paternity. Thank you very much. Fold up that paper, put it in the briefcase, and back down to the welfare office. File the paper. Make sure we get dad a child support order so we can get our money. That is the Government's role financially.

The Government says marriage is not such a bad—no, no, we are not going to prejudice these folks; let them do whatever they want as long as we get our money—as long as we get our money.

What happened a year later? The researcher from Princeton—again, not a conservative researcher—asked the question a year later of these same couples. Guess what. Very few got married. I think 10 percent were still together in one form or another.

What happened? I think it is fairly obvious what happened. It is a tough situation for an unmarried couple, particularly, again, given the popular culture. It is a very tough situation to work through the difficulties of raising a newborn and trying to keep a relationship together. Even people who are married have a tough time. A newborn is a big change in your life. Having had seven children, I can tell you, having a newborn in the house is a big change. When you are struggling economically, when you may be living at home or may be living in poor accommodations or maybe not living in the same place, this is a very stressful and difficult situation. People, in many cases, do not

have a heck of a lot of role models around to help them get through this difficult time in their life.

I do not think anybody here is surprised to hear these numbers—I would not think they would be—that a very small percentage of people in this situation end up getting married. Why aren't you surprised? I think we need to think about that. Why were you not surprised when I said that? That is the expectation, is it not? That is what we expect.

If we expect it, what do you think the people involved in the situation expect over time? We are trying to change that dynamic. We are not trying to force anything down anybody's throat. All we are suggesting is that at the time of paternity establishment, instead of folding up that little paper that now has the signature that is going to create financial liability for that man for at least some period of time, we ask one additional question: Are you interested in getting married?

If both answer yes, for example, what a caseworker could do is pull out a card and say: Here is a card and here is a list of 10 people, 10 organizations who do marriage counseling. If you call one of these organizations and you show up for an appointment, we will pay for your counseling to help you get through this difficult time and stressful time in your life.

Believe it or not, there are people who are saying this is a right-wing agenda to try to get people to get married, as if that is a horrible thing to actually have mothers and fathers of children actually get married; that is some sort of secret plan to destroy the world. I do not understand it.

What we are trying to do is help two people who at the time have a commitment and have a product of that commitment called a child who needs love and support from as many people as that child can get—optimally, a mother and a father. All we are saying is give this child a chance; hopefully, a better chance. At least try. At least try to help people who want to be helped. Not force it on them, just try to help people who have, at least at the moment of the time they are looking at the face of this new creation, who actually still dream and hope of a better life with that child and together to pour some water on that seed to nurture it instead of folding up that piece of paper and saying: I got your money. That is all I came for. I am here from the Government, and I got your money. I got your signature, and that is all I am here to do. And look down at that child and say: I know what is going to happen, but what do I care? I have no requirement to care about whether mothers and fathers stay together and raise and nurture that child. It is not my job.

I will be offering an amendment, if we get a chance to offer amendments, to actually increase to the President's budget figure the amount of money in this program because I do believe that Government should be on the side of children in creating at least a chance for them to be raised in a stable two-parent family.

What happens to the poverty rate? If you increase the marriage rate, the poverty rate drops not some but very dramatically. So the keys in this legislation of work and marriage are the two strongest indicators of a reduction in poverty. The other factors many others suggest are keys to reducing poverty is increased education. It helps, but it is not anywhere as powerful as the focus of this bill. Reduced family size? Again, the more children you have the higher the chance you are going to be in poverty. So if you have fewer children, it helps—again, not as much as the focus of this bill. The interesting thing is, if you factor all these four things together, look what happens to the poverty level: Work; marriage, which allows in many cases the opportunity for education; and reduced family size—dramatic reduction in poverty. Can you imagine, for the longest time we didn't want to do this? And we still don't do this. The results are powerful.

What do some on the other side still hold to? I underscore ''some'' because thankfully we have had bipartisan support in much of what we have done here. What do some on the other side see as the answer? Spend more money. If we want to get people out of poverty, just increase the amount of money you give people in poverty and, guess what, you get them out of poverty.

Here is doubling the welfare benefit. If we doubled the welfare benefit, what would happen? Hardly any decrease in poverty. The Senator from Massachusetts might say it is obvious on its face, if we give people more money—in fact, it isn't that he might say it; yes, he did say it. He said it is obvious, if you give people more money, if you raise the minimum wage, of course poverty is going to go down. We are not talking about raising the minimum wage here; we are talking about doubling the welfare benefit. It makes barely a scratch. So I guess it isn't all that obvious, is it?

I guess, just like the rest of us, people who are experiencing poverty in their lives are as complex as the rest of us and have a lot of factors that go into whether they are poor, not just how much money comes in the door. There are a lot of factors that go into whether people rise in society. What we know works is work and marriage and families. We know that works. You know what. America knows it works. That is obvious. It is obvious to me and hopefully it will be obvious to my colleagues as we proceed here today. Instead of focusing on minimum wage—again, it has its time and place, but there is no evidence at all that has been put forward that it does anything to reduce poverty. In fact, straight cash assistance—not identical with the minimum wage, but the same idea behind it—doesn't significantly affect poverty.

What we are doing in this bill works. It works from an analytical point of view; it works from a moral point of view; it works from a commonsense point of view. It is all about what we Americans value and understand and revere—at least we have throughout the history of this country.

So I am hopeful we can move forward, that we can get an agreement to somehow or another dispose of the Kennedy amendment, either in this bill or at some future time, and move to passage of this very important piece of legislation which is going to have a dramatic impact in taking this number and numbers like it, the poverty rate among Black children, of all children—it has not just been among African-American children; it has been among all children as well as mothers—down, and down further.

We have an obligation if we know something is working to make it permanent and extend it and make it better, to do more of what we know works. That is what this bill does. I am hopeful the Senate will give its support to the bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY PRICES

Mr. BINGAMAN. Mr. President, I came to the floor nearly a week ago to talk about high energy prices. I know several of my colleagues have been speaking about this issue today. At the time I spoke last week, I outlined a series of suggestions, 13 concrete actions I was urging the administration and particularly the President take to begin addressing this problem, both of high price of gas but also the high price of natural gas and the impact that is having on American families and on our economy.

The figures are fairly startling. Today, energy prices are at historic highs. Some analysts estimate that energy price shocks this year could cost American consumers more than $40 billion. Speaking very frankly, we cannot afford this kind of expense. We need to maintain a healthy pace of growth in our gross domestic product, and high energy prices dampen that growth. Clearly we need to give attention to this.

I was encouraged by some of the reaction we received to my statement last week. I did receive a letter from the National Association of Convenience Stores, particularly endorsing the suggestion that we begin to address this boutique fuels problem, the proliferation of boutique fuels.

I ask unanimous consent that letter be printed in the RECORD following my remarks here.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, I was also encouraged by the comments of my colleague from New Mexico and others who have come to the floor endorsing some very similar suggestions. It is important that we speak today about this issue because of the OPEC meeting that is about to occur in Vienna, Austria. I want to reiterate that it is extremely important that the administration assert pressure on OPEC, the OPEC members who are meeting in Vienna, to forego their proposed 1 million barrel-per-day production cut. We do need to rein in high oil and gas prices and we need to send a strong message that cutting production of oil in OPEC is not the way to do that.

OPEC has the ability to affect price in two important ways: They can add to supply or they can talk down the price of oil on the world market. We have seen them do both in previous periods. I don't see any real action to affect the price of oil on either front at this point. We have been out of the price band—this is, I believe, this $22 to $28 band that OPEC has talked about—for quite some time now. At the same time that we have been way above that band, some OPEC members are talking about not only keeping production steady but actually cutting production.

This would be a very wrong-headed move. It would have adverse consequences on American consumers. I hope very much they will reconsider and I hope our administration will use its very best efforts in the next day or two to ensure that OPEC in fact does not cut production.

EXHIBIT 1

NATIONAL ASSOCIATION
OF CONVENIENCE STORES,
Alexandria, VA, March 25, 2004.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR: On behalf of the retail members of the National Association of Convenience Stores (NACS), I would like to express our appreciation for your comments yesterday regarding the proliferation of boutique fuels. As the representative of an industry that sells more than 75 percent of the gasoline consumed in the United States every year, NACS has long advocated for a comprehensive fuels policy that would restore gasoline fungibility to the system without sacrificing supply.

The problems associated with the proliferation of boutique fuels are significant. As you noted yesterday, these specifications have ''greatly reduced the overall flexibility and efficiency of our fuels system.'' We could not agree with you more. America's motor fuels system, including the refining, pipeline and storage infrastructure, was not designed to accommodate dozens of unique, non-fungible fuel blends.

Last year, NACS commissioned a study that analyzed the impact these boutique fuels have on the nation's gasoline supply and assessed the effect possible adjustments to the fuels regulatory system might have on refining capacity. Our study revealed that reducing the number of boutique fuel blends, while maintaining or improving environmental quality, will improve fungibility. However, it will also reduce the production capacity of the domestic refining system by requiring the production of more environmentally sensitive blends, which are more difficult to produce. For this reason, an approach to boutique fuels must be carefully balanced with the preservation of supply.

Your acknowledgement of the challenges facing the petroleum industry and your interest in overcoming these challenges is greatly appreciated by the convenience store industry. We look forward to working with you and your colleagues in a non-partisan, policy-specific effort to restore efficiency and flexibility to the gasoline marketplace.

Thank you and please let me know how NACS might be of assistance.

Sincerely,

JOHN EICHBERGER,
Director, Motor Fuels.

Mr. BINGAMAN. Mr. President, how much time remains of the 5 minutes I requested?

The PRESIDING OFFICER. The Senator has 1 minute and 10 seconds.

Mr. BINGAMAN. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQI AND AFGHANISTAN LIBERATION MEDALS

Mr. BINGAMAN. Mr. President, I rise today to speak to a bill to honor our service men and women in Iraq and Afghanistan who have served and continue to serve their country by working for a fee, independent and stable Iraq and a new Afghanistan. These missions have been difficult and the cost has been high; nearly 600 Americans have been killed and almost 3,000 Americans have been injured in Iraq, while more than 500 Americans have been injured and more than 100 U.S. servicemen and women have been lost in Afghanistan.

More than a year after the initial invasion, nearly 110,000 troops are still stationed in Iraq, working to build a new, stable beacon of freedom in the region. My fellow Senators, the liberation of Iraq is turning out to be the most significant military occupation and reconstruction effort since the end of World War II. We cannot understate the importance of the work being done there today.

The administration's focus on Iraq leaves the mission in Afghanistan incomplete. Despite constant progress there, the fighting is still not over. Recent assassinations of government officials, car bombings, and the lingering presence of terrorist forces and former Taliban fighters force thousands of our troops to stay in-country.

For their courageous efforts, the Department of Defense has decided to award our brave young men and women with the Global War on Terrorism Expeditionary Medal—GWOT—and no other medal. This is despite the fact that G.W.O.T. medal is meant for any individual who has served overseas during the war on terror and may have come within a few hundred miles of a combat zone. The dangers of serving in Iraq and Afghanistan are greater; therefore, along with my colleagues, Senators LOTT, LANDRIEU, INHOFE, and LUGAR, I propose to correct this mistake by passing legislation authorizing the Iraq and Afghanistan Liberation Medals in addition to the Global War on Terrorism Expeditionary Medal.

While some of us in this body have not shared the administration's view on this war, we are united when it comes to supporting our troops. These young men and women from active duty, National Guard and Reserves are all volunteers and exemplify the very essence of what it means to be a patriot. We believe that what they are doing in Iraq and Afghanistan today differs from military expeditionary activities such as peacekeeping operations or no-fly zone enforcement.

They continue to serve, even though they do not know when they will return home to family and friends. They continue to serve despite the constant threat to their lives and the tremendous hardships they face.

There is a difference between an Expeditionary Medal and a Campaign medal. We only need to look at an excerpt from U.S. Army Qualifications for the Armed Forces Expeditionary medal and Kosovo Campaign medal. In order to receive the Armed Forces Expeditionary Medal, you don't need to go to war. You only need to be ''placed in such a position that in the opinion of the Joint Chief of Staff, hostile action by foreign armed forces was imminent even though it does not materialize.''

To earn the Kosovo Campaign medal, the standard is higher. A military member must:

> Be engaged in actual combat, or duty that is equally hazardous as combat duty, during the Operation with armed opposition, regardless of time in the Area of Engagement. Or while participating in the Operation, regardless of time, [the service member] is wounded or injured and required medical evacuation from the Area of Engagement.

Many within the military agree that there is a difference. According to the Army Times, ''Campaign medals help establish an immediate rapport with individuals checking into a unit.'' An expeditionary medal like the GWOT does not necessarily denote combat. A campaign medal is designed to recognize military personnel who have risked their lives in combat.

Campaign medals matter.

> ''When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he's been, the second to see if he can hang. They show what you've done and how serious you are,'' said Gunnery Sgt. James Cuneo. ''If you're a good Marine, people are going to award you when it comes time. . . .''

My fellow colleagues, it is time.

We must recognize the sacrifice of our young men and women who liberated Iraq, including great Americans like Army Specialist Joseph Hudson from Alamogordo, NM, who was held as a prisoner of war. The Nation was captivated as we watched Specialist Hudson being interrogated by the enemy.

Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said, ''I follow orders.'' Those of us with sons and daughters were united in worry with Specialist Hudson's family. The entire nation rejoiced when he was liberated.

We have also asked much from our Reserve and National Guard forces. The reconstruction of Iraq would not be possible without the commitment and sacrifice of the 170,000 Guard and Reservists currently on active duty.

My colleagues, Senators LOTT, LANDRIEU, INHOFE, LUGAR, and I are committed to honoring our over 200,000 heroes who liberated Iraq and Afghanistan. We believe that current administration policy does a disservice to our fighting men and women. Therefore we propose, in addition to the GWOT medal, new decorations that characterize the real missions in Iraq and Afghanistan, two that are distinctive and honor their sacrifice, the Iraq and Afghanistan Liberation medals.

What we do today is not without precedent; Congress has been responsible for recognizing the sacrifice and courage of our military forces throughout history. Congress has had a significant and historically central role in authorizing military decoration. Our Nation's highest military decorations were authorized by Congress, including: the Congressional Medal of Honor, the Air Force Cross, the Navy Cross, the Army's Distinctive Service Cross, the Silver Star, and the Distinguished Flying Cross.

We have also authorized campaign and liberation medals similar to what we hope to accomplish with this legislation. A partial list includes the Spanish War Service Medal, the Army Occupation of Germany Medal, the World War II Victory Medal, the Berlin Airlift Medal, the Korean Service Medal and the Prisoner of War Medal.

The list goes on and on. The great men an women of our military forces are doing their jobs every day in Iraq and Afghanistan. It is time to do our job and honor them with an award that truly stands for their heroic service, the Iraq and Afghanistan Liberation Medals.

While some of us in this body have not shared the administration's view on the war, we are united when it comes to supporting our troops. These young men and women from Active Duty, from the National Guard, and from the Reserves, are all volunteers. They exemplify the very essence of what it means to be patriotic.

It is extremely important that we take action. Many in this body will remember that we proposed to do this last year as we were considering the Defense authorization bill. Our effort was not successful, although many Senators voted to go ahead with this legislative provision. The administration was not in favor, and the amendment failed.

I am glad we are able to reintroduce it this year. I urge my colleagues to cosponsor this legislation and work with us to find an appropriate time when we can bring it up for a vote, or we can add it as an amendment to one of the bills that will be working its way through the Senate later this year.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I want to speak on the welfare reform bill.

This has been an extraordinarily successful initiative which we began a few years ago. Its success is tied with the fact that States have been given a great deal more flexibility in the area of how they handle their welfare account. The fact is, we have set up as a purpose, as a government, that people who are on welfare will be given the opportunity, the skills, and the incentives to move off of welfare and move into a work environment, which is something that gives them personal credibility and personal self-respect, and at the same time assists us in reducing the public welfare rolls. It has been a huge and overwhelming success.

One of the elements of moving off of welfare, of course, is the need of parents to have transitional support, especially single mothers as they go into the workforce while dealing with their children during the time they are working; in other words, some sort of childcare assistance.

As part of this bill, we intend to offer an amendment for reauthorization of the Child Care Development Block Grant Program, called the Caring for Children Act of 2003.

This amendment came out of the committee which I chair, the Health, Education, Labor and Pension Committee, unanimously. It came out with bipartisan support, obviously.

It is an attempt to update our childcare block grant initiative and make it more meaningful for the issues of today. It also gives the dollars it needs to be effective.

The bill will not only stress increased spending, it has $1 billion of new funding from the discretionary accounts.

Earlier today, there was a vote on an initiative to add $6 billion over 5 years to the childcare development grant. That money would be mandatory, and it was not paid for; it was outside the budget. There was a euphemistic attempt to pay for it—a superficial attempt—actually, what amounted to the ultimate shell game attempt as an offset which was cited and which has been used on, I believe, 17 different occasions as a claimed offset in this body.

The real effect of the bill was to go way outside the budget and add a huge new tranche of dollars beyond the budget which would be fine had it been realistically offset. But it wasn't.

This bill has in it a true increase which is an appropriate increase of $1 billion over that period of the bill. That is a significant infusion of new funds. Plus it addresses some of the concerns of the program, one of the concerns being as children are getting childcare they should also be getting some sort of development in the capacity of learning. Obviously, these are very young children. But they should have a learning component in their childcare experience, something that will put them in a position where they will be able to be at a level where their peers are—other young children who are receiving childcare.

It has language in it which encourages the States to include a voluntary guideline initiative in the area of prereading and language skills. The absolutely critical essence of learning is language skills and the ability to do phonics and identify letters and be able to get ready for reading. This bill has in it that language.

It also has in it a commitment to low-income parents. At least 70 percent of these dollars has the flow-through stage, actually, to the parents—in many cases a single parent. So the parent is getting the benefits. And we aren't simply siphoning it off into the bureaucracy, which often happens, regrettably, through administrative overhead but, rather, directing this money to the hands of the parents, especially the low-income parent so the parent can use this to assist them in transitioning off the welfare rolls by taking care of their children during the workday.

It gives parents a significant amount of choice. They can use different daycare types of facilities. Some which are faith-based are allowed to be used, or they can use it even if it is being provided by relatives and neighbors. That is important.

Further, the bill addresses a need to make sure that States focus on improving the quality of childcare. This is a very significant concern that many of us have, which is that a lot of the childcare today is, unfortunately, not of a quality that gives the child the support services they need or the academic assistance they might need in order to be brought up to speed with peers who are in different childcare delivery systems.

It allows States to set aside a certain percentage of the money in order to assess quality and try to improve quality. This gives the States more flexibility in this area, but it also gives them an impetus to go in the right direction.

It is, therefore, a bill which does a lot of good.

As I mentioned, it was reported out of our committee unanimously. It will be, hopefully, added to the base bill either by a formal vote or as part of the managers' amendment.

But we have to get back to the fundamental quandary which confronts us today, which is that the base welfare reform bill that is pending before the Congress is being held up by the other side of the aisle.

This is becoming a pattern of obstruction which we have seen throughout this session of the Congress, and it appears its intensity is actually increasing. Bills are coming to the floor

now which are important pieces of legislation on which there is a general consensus.

As I mentioned, this language reported out of our committee to strengthen the block grants for childcare was reported unanimously. Yet these bills are being stopped dead in their tracks by the insistence of the other side of the aisle to put on these bills extraneous issues which are of a politically charged nature, the purpose of which is not to pass them but simply to generate a political vote which can be used in the coming election.

We all do that. We all set up the political votes. But they should not be used as aggressively as they are today by the Democratic Party as a means of stopping legitimate legislation. The obstruction coming from the other side of the aisle is unconscionable.

Last week, for example, a bill which would have corrected the problems which many of our manufacturers in this country are going to confront, specifically a duty that is going to be assessed on their goods sold overseas, a duty which could go up as high as 18 percent—and that duty was a function of the fact we lost a World Trade court decision which allows this duty to go forward—that bill which would have corrected that, put an end to the duty and thus allow manufacturing jobs and service-oriented jobs in the United States to continue to expand and flourish, that bill was killed in this Senate because of extraneous issues which the other side of the aisle, the Democratic Party, decided they wanted to bring forward. They would not allow the bill to go forward without those extraneous issues being voted on.

The bill had absolute consensus. There was a belief, there is a belief, there should be a belief, that American jobs should not be lost as a result of our tax laws being found illegal by a body which we subscribe to, the World Trade Organization, and that we should correct that problem, and we can correct it rather effectively, and that correction will save jobs in the United States. That will not happen now because of the obstruction coming from the other side of the aisle. It is one in a series of obstructions.

Now we see the exact same thing happen in the area of welfare reform. Literally, in the last 5 years, there have been very few laws as successful that this Congress has passed as welfare reform. It was so successful—it was an idea put forward on this side of the aisle—once it passed and started to work, it was immediately adopted by the other side of the aisle as theirs.

President Clinton had the right to take credit; he was President when the bill was passed. He was President and takes credit as one of the strong elements of service of his Presidency. And I am glad he takes credit.

Now when we try to reauthorize and improve it significantly through the block grant proposal which we brought out of our bipartisan committee, now when we try to move the bill forward so we can continue with the welfare reform experience of the last few years and make sure that experience continues to allow people to move from public assistance to work and give people self-confidence, self-respect, and self-esteem as a result of attaining work, that bill has been stopped once again by the Democratic membership of this body coming forward and saying they want to cast a political vote on an unrelated issue.

It is these actions that one has to question the purpose. Why, when bills have been agreed to which will significantly improve the lifestyle of Americans, the number of jobs Americans have in the case of the tax bill which was just stopped last week, or the number of people moving from welfare to work, which is getting good jobs and moving out of a public assistance situation and getting self-respect, why are these bills being stopped for purely political purposes by the other side of the aisle bringing forward extraneous amendments.

It is an unconscionable action, in my opinion. It is regrettable that the childcare block grant proposal, the reauthorization of which came out of our committee unanimously and which represents a significant improvement, especially in this area of trying to get learning into the childcare experience, trying to get quality in the childcare experience, giving States more flexibility and putting more money into the program in the context of a responsible budget bill, why that would be stopped also is beyond me. It is not beyond me; it is fairly obvious. The purpose here is to make a political statement. It is a political statement, come heck or high water. It does not matter that the making of the political statement will cost people jobs and make it harder to move from welfare to work, creating a poorer and a less well-financed childcare block grant program.

It is unfortunate. It is the politics of the day. I know the American people do not focus too much on what we do in the Senate in the day-to-day regime. I hope the American people take the time to learn what has transpired in this body in the last 6 to 8 months. The obstructionism on the other side of the aisle has become the cause of the day, the purpose of every event. This obstructionism continues and grows as we move closer to the election. The practical effect of this obstructionism coming from the other side of the aisle is that good things which help working Americans keep jobs, move from welfare to work, ensuring their kids have quality daycare, good things like that are being stopped as a result of this unrequited obstructionism coming from the other side of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

NEVADA CHAMPIONS

Mr. ENSIGN. Mr. President, my colleague from Nevada, Senator REID, and I will take a couple of minutes and exercise our privileges as Senators to brag a little bit about our State and the recent accomplishments of the University of Nevada basketball team and their rise to the Sweet 16.

The Nevada Wolf Pack brought a lot of pride to our State. It is not a school known for basketball. Certainly, they had more football success in the years past. However, this year they surprised many in the Nation. It was obviously a heart-breaking loss to Georgia Tech last week. But Coach Trent Johnson, the whole Wolf Pack team and all the people surrounded with the program deserve a lot of credit for the season they put together. We expect big things from them in the future.

For a school such as the University of Nevada, a school that does not have the reputation of the University of Connecticut or Duke, it is more difficult to get the kind of players to go up to Reno to play basketball. They have players from Virginia City, Elko, and some of the other small towns around Nevada.

Coach Johnson crafted a team providing a good lesson for all of us to learn. If you can work together as a team, you can achieve true greatness. That is what his team did this year. Earlier in the year they beat the University of Kansas, beat them very soundly. Then through the March Madness, they made it all the way through the Sweet 16.

It was funny to listen to the various announcers talk about our team and trash them, not even understanding how to pronounce ''Nevada.'' We do not use their pronunciation. It was funny to listen to them saying they did not have a chance; they did not know how to play basketball. Certainly the coach from the University of Nevada and the rest of the players proved them wrong.

I rise today to congratulate them on a great season and look forward to their success.

I also wish the Lady Rebels from the University of Nevada Las Vegas success tonight. They are in the WNIT championship. We have a lot to be proud of in our State. I join my colleague, Senator Harry Reid, in congratulating especially the Nevada Wolf Pack for what they have achieved. Hopefully, we will be able to talk about the championship the Lady Rebels will achieve tonight.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope Senator ENSIGN and I are able to be on the same team working here in the Senate as the University of Nevada at Reno was during this basketball season. We strive to do that. They have set a good example for us and for everyone.

We may be outnumbered in the State of Nevada. There may be a lot of States with more people than we have, but Senator ENSIGN and I realize every State only has two Senators. We believe as a result of that, of our working together, we can have the same

strength and power some of the more populated States have. I have enjoyed and appreciated working as a team with Senator ENSIGN during his tenure in the Senate.

I also today want to extend my congratulations to Coach Trent Johnson and the basketball team at the University of Nevada. We have in recent years reached goals in our athletic programs at the University of Nevada, but for Coach Ault and his football team, they have been good.

I remember going to Georgia Southern to watch UNR play them for the national championship, in Division II. And though we lost that game, it was a great thrill to reach that level, which was significant for the university.

Since that time, the University of Nevada football has moved into Division I. Basketball has always been Division I.

Now, many years ago, the Wolf Pack was known all over the country. It had, at one time, three All-Americans on its football team. We had Marion Motley, who is now a member of the Football Hall of Fame, who played football at the University of Nevada, at Reno. And we had other great players, Dick Trachok, Tommy Kaminer, and many others, but that is many years ago.

So what Senator ENSIGN said about the Wolf Pack Basketball Team is significant. They had not been to an NCAA tournament for 19 years. They had never, in the history of the school, won an NCAA game.

This year they were forecast, by all the prognosticators, to continue that ''never to win a game.'' The first team they played was the great Michigan State. They beat Michigan State. Then the prognosticators said: Well, that was a fluke. There is no way in the world they will beat the highest ranked Gonzaga team. Gonzaga, all year, had lost one game. That game was not close. UNR moved through there very quickly.

Then they moved on to the Sweet Sixteen. They played Georgia Tech. They led Georgia Tech at half time, and it was really an exciting game. They lost. But other than my being disappointed because they did not go to the Final Four, I join my colleague in expressing my congratulations to this great basketball team.

We have focused so much attention, in years past, with the UNLV basketball team, the Runnin' Rebels, that has overshadowed the accomplishments of the University of Nevada, at Reno. But that will no longer ever be said as a result of the great accomplishment made by this team.

I want to say something about the importance of coaching. Trent Johnson came from Stanford. He was an assistant coach over there. He came 5 years ago. He accepted the challenge of being a head coach of a Division I school. But, frankly, the record that he was given was pretty dismal. The year that he took over, he looked back to see that the prior year they had won 8 games and lost 18. This year they won 24 games. That is the turnaround.

As Senator ENSIGN mentioned, they beat Kansas, which was ranked No. 1 at the time. Early in the year, people knew they would be pretty good because they almost beat Connecticut, which, at that time, was also ranked No. 1.

Few people thought they could make the strides that they did except their coach, Trent Johnson. He is an outstanding coach. It is my understanding and my hope that the people in Reno have done everything they can to make him happy. He is a great coach, and this record of his will only continue.

I want to reflect a little bit on this team. It was led by the player of the year in the Western Athletic Conference, a man by the name of Kirk Snyder. He is a junior. If he wants to go pro, he will be drafted in the first round.

During the times I have watched him during the games this year, and listened to the games, the sportscasters always focused on this man who was so good.

They also had a point guard by the name of Todd Okeson, someone who is a senior, and was the sparkplug of that team. He was the point guard, but he also scored very well.

There were other fine players on that team. They may not have scored over 20 points a game as did Kirk Snyder, but they did many other good things. Gary Hill-Thomas was a great defender. Kevin Pinkney was one of the great rebounders. And then there was a young man by the name of Nick Fazekas, who is almost 7 feet tall, a freshman, and has a soft touch. He stepped in at very crucial times during the tournament and made key baskets, and came to the free throw line and always came through.

But we also had players from Nevada. They are not all out-of-Staters. For example, Sean Paul, the ''Elko Enforcer,'' comes from the town of Elko in northeastern Nevada. And there were other players: Jermaine Washington and Marcelus Kemp.

These players have made Coach Johnson proud. I am confident that is one reason Coach Johnson is going to stay at the University of Nevada, at Reno. We want him, and I certainly hope he stays. I am confident that he will.

All these players, and especially the coach, have made Nevadans proud.

Sometimes when a team loses in a tournament, people say: ''Wait until next year.'' But I think everyone in Nevada is going to dwell on the fact that this team did well, and we are going to savor this remarkable season by UNR, and not dwell on next year.

Senator ENSIGN mentioned, and I also want to mention, that we also have a great coach at UNLV. She coaches the UNLV Runnin' Rebels. The Lady Rebels are very good. They came within one point of going to the NCAA tournament. They are now in the National Invitation Tournament, and they are in the finals. They are going to play Creighton tonight for the National Invitation Championship. They have done great.

I love to watch the Lady Rebels. I have gone and met with these young women and have spoken with the coach. So I congratulate Coach Miller and her Lady Rebels for the great notoriety they have focused on the University of Nevada Las Vegas this year and wish them well in their tournament game tonight.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2945

Mr. BAUCUS. Mr. President, I would like to say a few words about the pending amendment offered by the Senators from California and Massachusetts; namely, the minimum wage amendment. I would like to point out the effect of the current minimum wage on people today, and particularly as to where they are with respect to poverty in America.

Let me refer to this chart. This chart represents the relationship between the minimum wage and the poverty line for a family of two, beginning in the year 1988, and up through the year 2002.

From this chart you can see, quite visibly, frankly—with the minimum wage represented in green and the poverty line being the line just below the blue—that as the minimum wage increased in 1989, and in a step sort of function up to 1998, that for a person who had a job, with a family of two—let's say a single mom had a full-time job but made the minimum wage—they were still below the Federal poverty level, until about 1998, and then they could just barely surpass the poverty level.

I point this out because it does not seem right that a person who has a full-time job at a minimum wage still lives in poverty.

Now, that is bad enough. But let me show you how much worse it gets. This next chart shows the relationship between the minimum wage and poverty for a family of three: let's say a mom and dad and a child. By this chart one can tell very easily that the gap between the poverty line and the minimum wage is much greater for a family of three than it even is for a family of two. In fact, if I have my numbers correct, the amount is about $3,681. That is the gap.

I point out, again, for a family of three, with one breadwinner—say with a father who is at the minimum wage—that family of three will find itself, on average, over a year's time, about $3,600 of income less than the Federal poverty level. That family is living in poverty even though the breadwinner of that family is working full time.

And it gets worse, as you might expect.

Let's take a family of four, say a father and a mother, and two children. Say one parent is working full time at a minimum wage job. Because the increase in the minimum wage has been

so slow, the gap between what that family earns and the Federal poverty level is even greater.

In fact, it is about twice as much, which means that a family of four with one wage earner at the minimum wage is earning about half of what the Federal poverty level is. I don't think that is right. I frankly don't understand why some people do not want a significant increase in the minimum wage.

Let me tell you a personal story. Personal stories sometimes are out of context, but it meant a lot to me. One year I was walking across my State in Montana campaigning. To be honest, I learned an awful lot just by talking to people who I just happened to meet walking down the roads and highways and visiting in people's homes. A lot of it had to do with welfare. I remember talking to many people on welfare who told me they did not want to be on welfare. They hated it. They wanted to be off welfare.

One of the main factors they mentioned to me as to why it is so difficult to get off of welfare is because of the minimum wage laws. They are working maybe at McDonald's or someplace else in a minimum wage job, but because the minimum wage rates were so low, they couldn't make ends meet.

It is hard to know when to believe people. It is hard to know when to think what people say is right or not, but you have to read between the lines. You have to get a sense of what is going on. It was very clear to me that these people were speaking the truth, certainly as they perceived it. If there were a significant increase in their wages, they could then get off of welfare.

It is tied to the earlier debate on childcare. I ran into a lot of women, single moms who said the same thing to me. They were really earnest. I wish you could have seen the expressions on their faces saying that they wanted to stay off of welfare.

One young single mom explained to me that she slept on her mother's sofa so she could avoid having to pay for a room someplace. She had a minimum wage job. Her childcare expenses were so high she could not handle it anymore and she had to go back on to welfare. She hated it.

In those few instances, people I talked to just by happenstance—chance encounters—that is what they have said to me.

We have to make judgments sometimes. One of the judgments I have made is that our current minimum wage is too low. For a civilized country, the United States of America, we can do a heck of a lot better.

Sometimes you hear business people say it will increase their cost of business. It probably will slightly. But if everybody is getting paid more, more dollars flow into the economy. People are more likely to not be on welfare, and they are more likely to have a little more self-esteem. They are more likely to be able to advance themselves. Most people want to advance themselves. They want a better life for their families and their kids. Some just find themselves caught in difficult situations.

I hope people will look at these charts and see how dramatic the difference is between the minimum wage income on the one hand and the Federal poverty level on the other. The income of someone on the minimum wage is much below the Federal poverty level. It does not seem right that a person working full time, whether he or she has one child, or is married, or whether he or she has three in the family or four, should live so far below the Federal poverty level. That is not right. If they are going to work full time, they should be able to live outside of poverty.

I urge Senators to support the amendment offered by the Senator from California.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I ask unanimous consent that I be allowed to speak up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 9/11 COMMISSION

Mr. MILLER. Mr. President, after watching the harsh acrimony generated by the September 11 Commission—which, let me say at the outset, is made up of good and able members—I have come to seriously question this panel's usefulness. I believe it will ultimately play a role in doing great harm to this country, for its unintended consequences, I fear, will be to energize our enemies and demoralize our troops.

After being drowned in a tidal wave of all who didn't do enough before 9/11, I have come to believe that the Commission should issue a report that says: No one did enough. In the past, no one did near enough. And then thank everybody for serving, send them home, and let's get on with the job of protecting this country in the future.

Tragically, these hearings have proved to be a very divisive diversion for this country. Tragically, they have devoured valuable time looking backward instead of looking forward. Can you imagine handling the attack on Pearl Harbor this way? Can you imagine Congress, the media, and the public standing for this kind of political gamesmanship and finger-pointing after that day of infamy in 1941?

Some partisans tried that ploy, but they were soon quieted by the patriots who understood how important it was to get on with the war and take the battle to America's enemies and not dwell on what FDR knew, when. You see, back then the highest priority was to win a war, not to win an election. That is what made them the greatest generation.

I realize that many well-meaning Americans see the hearings as democracy in action. Years ago when I was teaching political science, I probably would have had my class watching it live on television and using that very same phrase with them.

There are also the not-so-well-meaning political operatives who see these hearings as an opportunity to score cheap points. And then there are the media meddlers who see this as great theater that can be played out on the evening news and on endless talk shows for a week or more.

Congressional hearings have long been one of Washington's most entertaining pastimes. Joe McCarthy, Watergate, Iran-Contra—they all kept us glued to the TV and made for conversations around the water coolers or arguments over a beer at the corner pub.

A congressional hearing in Washington, DC is the ultimate aphrodisiac for political groupies and partisan punks. But it is not the groupies, punks, and television-sotted American public that I am worried about. This latter crowd can get excited and divided over just about anything, whether it is some off-key wannabe dreaming of being the American idol, or what brainless bimbo ''The Bachelor'' or ''Average Joe'' will choose, or who Donald Trump will fire next week. No, it is the real enemies of America that I am concerned about. These evil killers who right now are gleefully watching the shrill partisan finger-pointing of these hearings and grinning like a mule eating briars.

They see this as a major split within the great Satan, America. They see anger. They see division, instability, bickering, peevishness, and dissension. They see the President of the United States hammered unmercifully. They see all this, and they are greatly encouraged.

We should not be doing anything to encourage our enemies in this battle between good and evil. Yet these hearings, in my opinion, are doing just that. We are playing with fire. We are playing directly into the hands of our enemy by allowing these hearings to become the great divider they have become.

Dick Clarke's book and its release coinciding with these hearings have done this country a tremendous disservice and some day we will reap its whirlwind.

Long ago, Sir Walter Scott observed that revenge is ''the sweetest morsel that ever was cooked in hell.''

The vindictive Clarke has now had his revenge, but what kind of hell has he, his CBS publisher, and his axe-to-grind advocates unleashed?

These hearings, coming on the heels of the election the terrorists influenced in Spain, bolster and energize our evil enemies as they have not been energized since 9/11.

Chances are very good that these evil enemies of America will attempt to influence our 2004 election in a similar dramatic way as they did Spain's. And to think that could never be in this country is to stick your head in the sand.

That is why the sooner we stop this endless bickering over the past and join together to prepare for the future, the better off this country will be. There are some things—whether this city believes it or not—that are just more important than political campaigns.

The recent past is so ripe for political second-guessing, ''gotcha,'' and Monday morning quarterbacking. And it is so tempting in an election year. We should not allow ourselves to indulge that temptation. We should put our country first.

Every administration, from Jimmy Carter to George W. Bush, bears some of the blame. Dick Clarke bears a big heap of it, because it was he who was in the catbird's seat to do something about it for more than a decade. Tragically, it was the decade in which we did the least.

We did nothing after terrorists attacked the World Trade Center in 1993, killing six and injuring more than a thousand Americans.

We did nothing in 1996 when 16 U.S. servicemen were killed in the bombing of the Khobar Towers.

When our embassies were attacked in 1998, killing 263 people, our only response was to fire a few missiles on an empty tent.

Is it any wonder that after that decade of weak-willed responses to that murderous terror, our enemies thought we would never fight back?

In the 1990s is when Dick Clarke should have resigned. In the 1990s is when he should have apologized. That is when he should have written his book—that is, if he really had America's best interests at heart.

Now, I know some will say we owe it to the families to get more information about what happened in the past, and I can understand that. But no amount of finger-pointing will bring our victims back.

So now we owe it to the future families and all of America now in jeopardy not to encourage more terrorists, resulting in even more grieving families—perhaps many times over the ones of 9/11.

It is obvious to me that this country is rapidly dividing itself into two camps—the wimps and the warriors: the ones who want to argue and assess and appease, and the ones who want to carry this fight to our enemies and kill them before they kill us. In case you have not figured it out, I proudly belong to the latter.

This is a time like no other time in the history of this country. This country is being crippled with petty partisan politics of the worst possible kind. In time of war, it is not just unpatriotic; it is stupid; it is criminal.

So I pray that all this time, all this energy, all this talk, and all of the attention could be focused on the future instead of the past.

I pray we would stop pointing fingers and assigning blame and wringing our hands about what happened on that day David AcUology has called ''the worst day in all our history'' more than 2 years ago, and instead, pour all our energy into how we can kill these terrorists before they kill us—again.

Make no mistake about it: They are watching these hearings and they are scheming and smiling about the distraction and the divisiveness that they see in America. And while they might not know who said it years ago in America, they know instinctively that a house divided cannot stand.

There is one other group that we should remember is listening to all of this—our troops.

I was in Iraq in January. One day, when I was meeting with the 1st Armored Division, a unit with a proud history, known as Old Ironsides, we were discussing troop morale, and the commanding general said it was top notch.

I turned to the division's sergeant major, the top enlisted man in the division, a big, burly 6-foot-3, 240 pound African American, and I said: ''That's good, but how do you sustain that kind of morale?''

Without hesitation, he narrowed his eyes, and he looked at me and said: ''The morale will stay high just as long as these troops know the people back home support us.''

Just as long as the people back home support us. What kind of message are these hearings and the outrageously political speeches on the floor of the Senate yesterday sending to the marvelous young Americans in the uniform of our country?

I say: Unite America before it is too late. Put aside these petty partisan differences when it comes to the protection of our people. Argue and argue and argue, debate and debate and debate over all the other things, such as jobs, education, the deficit, and the environment; but please, please do not use the lives of Americans and the security of this country as a cheap-shot political talking point.

I yield the floor.

(Mrs. DOLE assumed the Chair.)

Mr. ENZI. Madam President, I thank my colleague from Georgia for his outstanding comments. There is a war going on and he made some outstanding points. I have heard several of his speeches and learned a lot from each of them.

I am going to speak now on, I believe, the pending amendment, the Boxer-Kennedy amendment. I will share my thoughts about raising the Federal minimum wage. My colleagues on the other side of the aisle keep talking about the loss of American jobs, but their actions don't match up to their words.

If my colleagues are so concerned about unemployment, why would they do something that would eliminate jobs in this country? If my colleagues are so concerned about helping poor families, why would they do something that hurts poor families the most? Their effort to increase the minimum wage, while attacking the President on job creation, is not based on sound policy and economics.

There is an effort underway to put a smokescreen of unrelated amendments that mask election year politics in misleading rhetoric. It is being done on the reauthorization of the welfare bill.

It is time for us to look beyond the smokescreen and see who is really helped and who is really hurt by Senator KENNEDY's amendment to raise the Federal minimum wage.

Every student who has taken an economics course knows if you increase the price of something—in this case, the minimum wage job—you decrease the demand for those jobs. A survey of members of the American Economic Association revealed that 77 percent of economists believe that a minimum wage hike causes job loss.

For small businesses, where most of the job creation in this country is generated, a minimum wage increase is particularly harmful. Having owned a small business in Wyoming, I can speak from personal experience about how detrimental a minimum wage increase would be for small businesses and job growth.

I need to explain something. Very few people in the shoe business I was in were working at the minimum wage, which my wife and I preferred to call the level of minimum skills. Those are the people who first came in and did not have any capability in the kind of job they were going to be doing and we had a starting wage, a starting skills wage. Anybody who was in that wage more than 3 months was not paying attention, and that is the way with most of the businesses in this country.

The minimum wage is the minimum skills wage, and it is the starting wage. It does have an effect on other wages as well. When we raise the minimum wage, then to keep the proper spread between employees of different skills, other jobs get raises, too. Of course, when that happens, there has to be a way to pay for it, and the way to pay for that almost always comes from raising prices. If you raise prices and wages, there is not much gain.

How do I explain to my constituents, most of whom rely on small business for their livelihood, that Congress wants to do something that would foster job loss instead of job creation?

Every day I read letters to the editors of the Wyoming newspapers. One appeared in the Casper Star from one of my constituents about his concerns in September 2002. I came across this letter again. It was written by Imo Harned of Douglas, WY, about the effects of a minimum wage increase. It is a reminder about the true cost of minimum wage increases.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THAT'S LIKE NO HELP AT ALL

EDITOR: I first became interested in the effects of raising minimum wage in the 1960s.

An employer I knew fired three men he'd employed as watchmen. He remarked that it was worth something to have warm bodies around, but not at 75 cents an hour. Since then I have made it a habit from time to time to ask an employer if raising minimum wage makes a difference to his business. No matter if he pays one person or dozens, the answer is always the same. ''There are X number of dollars in the budget and I can't exceed that amount. If it means cutting hours or firing workers, I have to do it to stay within the budget.'' Personal observations show that within a week of a raise in minimum wage, groceries will raise enough to absorb the increase. Also, people who make more than minimum have to pay the increased costs too, so it amounts to a cut in pay for those who make more.

Several years ago the Wall Street Journal did a study showing that living standards have remained unchanged for people earning minimum wage since that wage was 50 cents an hour! The only difference was that those poor people were in a higher tax bracket and had to pay more taxes.

A person who begins working at minimum wage, who works hard and earns an increase in pay should not be penalized by being returned to the beginning again. Neither should anyone be penalized by having to pay the increased food and utilities that follow every time the minimum wage is increased.

IMO HARNED, *Douglas.*

Mr. ENZI. Madam President, I have listened to my colleagues on the other side of the aisle who support a minimum wage increase. I have seen their charts and heard their arguments. However, none of their charts or arguments can refute the commonsense and real world observation of Imo Harned from Douglas, WY.

Mr. Harned writes—I am quoting part of it and the whole letter is printed in the RECORD. I am sure my colleagues will want to read it:

. . . I have made it a habit from time to time to ask an employer if raising minimum wage makes a difference to his business. No matter if he pays one person or dozens, the answer is always the same: ''There are X number of dollars in the budget and I can't exceed that amount. If it means cutting hours or firing workers, I have to do it to stay within the budget.'' Personal observations show that within a week of a raise in minimum wage, groceries will raise enough to absorb the increase. Also, people who make more than minimum have to pay the increased costs, too, so it amounts to a cut in pay for those who make more.

Mr. Harned saw through the phony economics of a minimum wage increase. He reached the same conclusion as two Stanford economists: A minimum wage increase is paid for by higher prices that hurt poor families the most. Some argue that we need to increase the minimum wage to help poor families. However, the 2001 study conducted by Stanford University economists found that only one in four of the poorest 20 percent of families would benefit from an increase in the minimum wage. Three in four of the poorest workers would be hurt by a wage hike because they would shoulder the costs of resulting higher prices. A Federal wage hike will hurt the very people the underlying welfare reauthorization bill is designed to help: America's poor families.

I have held on to Mr. Harned's letter as a reminder of the dangers of a ''Washington knows best'' and a ''one size fits all'' mentality. An increase in the Federal minimum wage is a classic lesson that Washington does not know best and one size does not fit all.

A Federal wage mandate does not account for the cost of living that varies across the country. It costs over twice as much to live in New York City than in Cheyenne, WY. However, a Federal minimum wage hike that applies coast to coast is like saying a bag of groceries in New York City must cost the same as a bag of groceries in Cheyenne. Local labor market conditions and the cost of living determines pay rates, not Federal minimum wage laws dictated from Washington.

I support an increase for all wages, but that increase should be fueled by a strong, free market economy, not by an artificial Federal mandate that hurts business and workers alike. Artificial wage hikes drive prices up. We should not trick workers into thinking they are earning more when they still cannot pay the bills at the end of the month. We should not trick the American people into believing that the phony economics of a minimum wage increase will improve the standard of living in this country. Nor should we trick the American people into believing that a minimum wage increase is without cost.

The smoke and mirrors of a minimum wage increase is not the way for American workers to find and keep well-paying jobs. We have to encourage, not discourage, job creation, and we have to equip our workers with the skills needed to compete in the new global economy.

It is one of my goals to make sure that the unfilled higher paying jobs can be filled by Americans. I talked about the minimum wage being a minimum skills wage. There are higher paying jobs out there, but you have to have the skills for them. How do you get the skills for them? We have a bill. It is called the Workforce Investment Act. It reauthorizes the Nation's job training and employment system, and it updates it to the modern jobs. It allows people to be working in the areas of highest need in this country, instead of forcing those jobs overseas.

That bill passed out of the Health, Education, Labor, and Pensions Committee unanimously. We passed it on the Senate floor by unanimous consent last November. That means nobody wanted to amend it and nobody objected to what was in the bill. That is as bipartisan as you can get.

Where is that bill now? It is languishing around here because the minority party will not let us get a conference committee appointed to resolve the differences with the House, the final step for the bill. The House has passed a bill. It is a little different from the Senate bill. But we need to meet and work out the differences and get that final bill.

What does this mean in the way of jobs? Training for 900,000 jobs a year. That is pretty significant, training for 900,000 jobs a year. I kind of get the feeling we do not want to resolve that until after November so that it can be a part of the politics of the Presidency. That is wrong. It ought to be worked out now. We ought to have a conference committee. We ought to get it done. If we want to take care of jobs in this country, if we want people to be making more and to be making more real money, we ought to get them trained into the skilled positions in the jobs that are vacant in this country right now before we ship them over to another country. We need to have a conference committee. That would provide jobs. That will provide increased wages. That will provide real increased wages, not just inflationary wages that will drive up the price of all of the goods and absorb, as Mr. Harned said, in 1 week the amount of the raise.

I owe Mr. Harned and all my constituents sound policy, not election year rhetoric. I owe it to Mr. Harned and all of my constituents to remove the smokescreen around the minimum wage debate and expose its true cost.

The Boxer-Kennedy amendment to raise the Federal minimum wage ignores the true cost of a minimum wage increase on America's workers and businessmen.

I hope we can put this debate, which is unrelated to the underlying bill, behind us. I hope we can move beyond election year theatrics and get to the real work of helping America's low-income families.

I urge my colleagues to oppose the Boxer-Kennedy amendment and to read the letter of Mr. Harned in full.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I appreciate the Senator from Iowa giving me the opportunity to sit in this august chair he so ably occupies on more than just a few occasions on the Senate floor where we seem to have Finance Committee bills on a pretty frequent basis. He works diligently. He has been called away to do some other things so I am going to take this opportunity to speak, as we are stuck on an amendment that is nongermane to this bill, and which was offered with the full knowledge that this would severely jeopardize this bill being moved to passage.

Earlier today we had a good debate on daycare funding. We passed an amendment that added $6 billion more in daycare funding to this bill. Current funding for the Child Care and Development Fund is $4.8 billion. The committee added $1 billion more. Why did we add this increase in funding? Because in the bill we increased the work requirement by 20 percent.

Now I would make the argument we did not actually increase it by 20 percent because we give partial credit to the States, so it is probably not a 20-

percent increase. At most, we increase the work requirement in this bill by 20 percent. So we also increased the daycare funding.

Candidly, there is probably not even that much of a direct correlation. It is probably not even going to be required to have 20 percent more to meet this work requirement, but we did it, anyway.

The HELP Committee comes forward with a proposal that is $2.3 billion more in childcare that will be in this bill, and then today we add $6 billion more. That is a 100-percent increase in daycare funding for a 20-percent increase in work requirements. I am starting to rethink the work requirements at the rate this is costing us.

In addition, there is almost $1.5 billion in money the States now hold that can only be used for cash assistance. When we passed the 1996 welfare bill, one of the concerns on the left was this money for cash assistance be used for cash assistance and it is not to be taken out and used for other purposes. So we have a pipeline which only funds cash assistance.

What we do in this bill is allow this $1.5 billion to be used for daycare. So it is not a $1 billion increase on top of a $2.3 billion increase on top of a $6 billion increase, but on top of a $1.5 billion increase on top of that. This is how much money we now have in this bill for childcare. I oppose that. I think that is an extraordinary expansion of a program that, while it has benefits and I certainly support it, and in the 1996 bill I supported the final compromise which added $1 billion to the daycare funding to get this bill originally enacted, but this is excessive and unwarranted, and I would argue not good policy for a variety of different reasons.

There is some good policy in this bill, and it is being blocked. I think when the Senator from California offered this amendment, she understood what was going to happen if she offered this amendment, and that was this bill would be shut down, as the last bill was because of a blocking amendment on the JOBS bill to create more manufacturing jobs.

What we would like to see done is a limitation of amendments. I would frankly be happy to deal with all relevant amendments to this bill, no limitation on any relevant amendments, but a limitation on political amendments. Clearly, minimum wage is a political amendment that has been offered numerous times in the past, always seeming to wait until right before election. We never see minimum wage increases offered in odd-numbered years. I do not know if my colleagues noticed that, but it seems to be offered in even-numbered years. So we have even-numbered election issues that are brought up by Senators BOXER and KENNEDY, who said they would like to see this bill pass. They say they would like to see this extended.

I tell my colleagues that the Senator from California in 1996 said: I cannot support legislation—she was referring to the 1996 welfare reform act—which will throw countless children into poverty. No one expects us to solve the welfare problem by punishing children for being poor. That is what she said in 1996.

So did this bill punish children for being poor? Let us look at the black child poverty rate. The highest rates of poverty in America are among black children, at least they have been. At the time Senator BOXER made that statement, the poverty rate among African-American children was 45 percent. She said this bill will punish children by throwing them into poverty, will punish them because we are going to require their mothers to go to work, we are going to require and put time limits on the amount of time people can spend on welfare because we have an expectation that if one is able-bodied they can work, they should work, and it is beneficial to them and their children if they do work.

So we did a whole bunch of things to create not only a stick to get people to work, but a lot of incentives or carrots to make work pay. We invested a lot of money: Daycare, yes; transportation; EIC. We can go on down the list. We put in a lot of incentives over the last several years to make work pay.

What happened? We have the lowest rate of black child poverty ever in America. Now, one might ask, well, did the other side learn a lesson? Did they understand that actually they were wrong? I know the Senator from California had a picture, and I know the Senator from Illinois at the time, Ms. Moseley-Braun, had pictures of people in breadlines and people sleeping on grates. Have we now admitted this concept of work and the concept of time limitations was, in fact, not a punishment but the real punishment was locking people into dependency and poverty? That is punishing. That is hopelessness.

What we provided in this bill was hope. Have they learned? Well, the proof is in the pudding. The Senator from California comes forward and offers an amendment, shuts down the bill. She will have ample opportunities over the next several weeks to offer an amendment on this issue.

By the way, there have been ample opportunities in the past 15 months to offer a minimum wage increase, and yet on a bill everybody is for, that we want to reauthorize—they say they are not trying to block this bill—15 months go by in the session and we are going to offer an amendment to try to sink this bill.

I encourage my colleagues on both sides of the aisle to offer germane amendments, to withdraw this amendment, let's get to the substance of this issue. This is an important battle to provide hope and opportunity for the poor in our society, to bring dignity into the lives of communities that have been struggling to make ends meet.

Let's stick to this issue and get it done. Let's show the Senate can work on important issues of the day.

One of the things I wanted to talk about—I had talked at length about the general welfare bill and I had mentioned the issue briefly, but I wanted to focus a little more attention on it, the issue the President proposed on marriage.

There has been a lot of debate about marriage in America over the past several months. What I am talking about here is the role of the Government to encourage and promote healthy marriages. The President has a healthy and stable marriage initiative he has put forward.

Why do we want to do this? Do we want to force people into bad marriages? Or bring out the shotgun again and get people to marry even though they may not want to? No. That is not what this is about. No one is suggesting or has suggested we force anybody into marriage. But here is what we have done. The President, and many of us who have been working on this issue for a long time, actually decided to look into the benefits of marriage to children and to women and to men in poverty, and determine what and if there are any benefits. Should the Government be neutral on this issue? Should we stay out of it? Or are there things we can look to that would encourage us to encourage marriage?

Here are some of the benefits we have identified in looking at the data. Children in married homes do better in school. They drop out less. They have fewer emotional and behavioral problems, less substance abuse, less abuse or neglect, including physical abuse, less criminal activity, less early sexual activity, and fewer out-of-wedlock births.

If I said I had a drug that could accomplish all these things for children, we would prescribe it for every child in America. Yet when we say we want to have a program in the welfare system where we are dealing with the poorest children in America who, in most cases, are in some of the worst neighborhoods of America, in the roughest communities in America, who are living in many cases in very difficult family situations—if we say we want to provide these benefits to them, you get the responses: Why do you want to force some rightwing religious agenda on us?

There are actually people who are opposed to the President's proposals, who are opposed to the President's proposals in the face of the benefit to those who we hear a lot about here on the floor of the Senate, how we need more for children. We get a lot of proposals from the Senator from Massachusetts that we can help children by increasing the minimum wage while in fact he provides absolutely no evidence that is the case. In fact, when we had the discussion today, the Senator from Massachusetts said things were better in the 1960s and 1970s and 1980s, when the minimum wage was high.

If you go back to the previous chart on black poverty, I will tell you what else is high: Poverty among African-American children. So if there were a connection between the rate of poverty and the minimum wage, you would think during this time, when the value of the minimum wage was actually going down, black poverty would be going up. Just the opposite is the case. Why? Because most people who earn the minimum wage aren't the heads of households so there is very little connection between increasing the minimum wage and poverty. Why? Because poverty isn't about a little bit more money.

You think: That makes no sense, Senator. Of course it is about more money.

No, it is not. It is about a lot of factors. People who are poor have lives that are just as complicated as those of people who are not. It is about the status of their mothers and fathers. It is about the family unit around them. It is about a whole host of issues that determines whether they will be raised in or out of poverty. To look at one little factor that has no correlation with poverty is the kind of wrongheaded thinking we have suffered under for far too long in this institution.

But in 1996 we changed it. We went to a different model in welfare. Now we are trying to change it again. We know that work works. We also know from the data families work.

If you look at child poverty, it dramatically increases outside of intact marriages. If you have an intact marriage, the percent of time in poverty for the average child is 7 percent, if that child's parents are married.

As we all know, upon divorce many women end up with the children. That is the case certainly the vast majority of time. Many times they also end up on welfare, they end up in poverty, as a result of separation and divorce. That is the case for children born out of wedlock.

This represents children born within wedlock. Some stay, others get divorced.

Here is the situation where children are born out of wedlock and the mother subsequently gets married. The child poverty rate is high, but not as high as in the case where mom never gets married. In that case, the percentage of time children spend in poverty is 51 percent of their childhood, on average.

So we have a situation where we know marriage has a positive impact on poverty. Again, we want to focus on poverty and the health of children. The Senator from Massachusetts spoke about the minimum wage and how important it was, and provided no evidence as to how minimum wage increases would help reduce poverty among children. Let's look at what happens, when marriage is involved, to poverty among children. Married families are five times less likely to be in poverty than are single-parent families. Again, the poverty rate among those who are married: Among all, 13 percent; among single families, 35 percent of single-parent families in America are living in poverty.

Shouldn't we have a program that at least suggests when a mother has a child and she is not married and the father is there in the hospital, that we simply ask the question: Are you interested in being married? If both say yes, refer them for counseling to a nonprofit in the community, maybe a faith-based organization in the community, somebody who is there to nurture that relationship at a very stressful time in their lives where, without the proper support and help—and in many cases in this situation you don't have a whole lot of family support, you certainly don't have popular culture support for fathers nurturing and caring for their children—can't the Government at least suggest when someone expresses an intent to get married they be given a little help in working through that process, given the demonstrable benefits that would accrue to them and to their children from an economic point of view?

But there is more than economics. Children living with two parents are 44 percent less likely to be physically abused; 47 percent less likely to suffer physical neglect; 43 percent less likely to suffer emotional neglect; 55 percent less likely to suffer from some form of child abuse than children living with a single parent.

There are people who will come here to the floor and say the Government should be neutral with respect to this. In spite of this rather strong statement in support of marriage being the optimal place, a married household being the optimal place in which to raise a child, they will say the Government has no business in this. Yet they will come here and have the Government spend billions of dollars to get results that are one-twentieth of what these results would be in the life of a child.

We will spend billions here to reduce neglect by 2 percent, or 5 percent. That is OK if we spend billions. That is all right. But if we do something as simple as to say, If you are interested in marriage, we will refer you to counseling because we want to actually help you, if you want to be married, to get married and to stay married, that is wrong. Spending billions of dollars on violence prevention programs, that is OK. But the best violence prevention program for a child is a healthy marriage. Spending any money on that, Well, wait, this is a right-wing religious attempt to influence people with a religious agenda. I think we all know from the debate that is going on that marriage is not just a religious event. It is a civil event. It is a public event. It is a State-sponsored event. It is one that is vitally important to the future of our society.

There is another piece of legislation Senator BAYH, Senator DOMENICI, and I have been working on for quite some time. I am hopeful this will not be as controversial as marriage—that is, fathers should participate in their children's lives.

We actually are going to have some money in this bill that will encourage responsible fathers. It is called the Responsible Fatherhood Initiative which Senator BAYH of Indiana, Senator DOMENICI of New Mexico, and I have been working on for several years. We are able to get some money in this bill to promote that.

Why? I guess it is obvious. Obviously, we would like to have children have some presence of a father in their lives. We understand there is a potential benefit. We also understand there are a lot of fathers unfortunately who are not necessarily good fathers, who may not necessarily be a good influence on children's lives. But there is money to help those fathers become a positive influence in their lives; to take responsibility for not only providing for them economically, which all the previous welfare bills had never focused on—which is getting child support—but actually try to support them in ways beyond the paycheck they happen to bring home that day.

Why? If you look again at the information we have been able to gather about the difference between children being raised with fathers' involvement as opposed to fathers being absent, if you have a father involved in your life versus if you do not have a father involved in your life—if you do not have a father involved, you are two times more likely to abuse drugs and two times more likely to be abused. Why? Unfortunately, in far too many relationships, the boyfriend tends to be the greatest abuser of the child who is not his own. You are two times more likely to become involved in a crime, three times more likely to fail in school, three times more likely to take your own life, and five times more likely to live in poverty.

Again, if we had a program we were funding here in the Federal Government out of the Great Society program that could accomplish all these things, we would be pouring billions in this baby. I mean, there would be cries over here to say, if you have this program that can do all of this, then we are going to spend—you can't outbid us on this because we are going to go home and talk about how we are saving lives, reducing drug dependency, reducing abuse, reducing crime, improving education, and solving the poverty problem.

But then you mention, Oh, by the way, this program has to do with fathers taking responsibility. No, wait a minute, we are not going to do that. You are messing around with families here. No. If you have a Government program that we can hire somebody to fill that role, fine, but we can't encourage fathers. Why would we want to do that? Who are we to be judgmental about getting fathers involved with children's lives? That is not the role of the Government. What is the role of

Government to mess around with the family?

Because we know what works. Americans know what works. We have known it for 200-plus years. We know that stable families is the place which has the greatest opportunity to produce stable young children and adults. Yet somehow we can't be on the side to save the family, we can't be on the side of marriage and responsible fathers. At least we haven't been in the past.

I am hopeful that we have an opportunity in this bill to come down on the side of the family, to come down on the side of mothers and fathers taking responsibility for their children from the very beginning. And the Government should be there to simply ask and encourage and provide support if they want to, not to force anybody into anything.

We have an obligation if we know what works to do it. If we know what works and we can have some positive impact on the lives of children, then we have an obligation to do it. We are doing it here with a very small amount of money. The marriage proposal I think is $100 million Federal, $100 million matched by the States, and then a separate $100 million. It is $300 million. Excuse me. It is $100 million from Federal and $100 million from the States over 5 years, which is $1.5 billion. I argue that is a fairly modest sum of money for the tremendous benefit that will accrue not just to the children, but which is going to accrue to fathers who will take responsibility for their children.

Imagine the change in neighborhoods. Imagine the change in neighborhoods where 70 percent of kids, 80 percent of kids are born out of wedlock, and within a year 90 to 95 percent of those kids have no father involvement in their lives. Imagine the change in the neighborhood, which is permeated by single mothers and fathers who are attached to nothing except other irresponsible fathers—we call those gangs—or they are not attached to that neighborhood at all because they are in jail. Imagine the neighborhoods with fathers in the homes. Imagine the neighborhoods with role models of responsible manhood and fatherhood.

I have talked to so many people who grew up in neighborhoods with high concentrations of fatherlessness and how they were inspired by the one or two fathers they knew who weren't their own, but the one or two men in the community who were responsible fathers who gave them hope and who taught them responsibility. Imagine how we could change neighborhoods if we simply brought mothers and fathers back together in those neighborhoods, and how that dynamic would change.

Dare we come down on that side? Dare we invest in trying to change their pathology that has attacked so many neighborhoods in our society? I say yes. I say we have an obligation to do that.

Let me get to the economics of this. Fatherhood involvement increases child support. The States that, unfortunately as a result of the 1996 Wofford law, are concerned about establishing paternity and getting the money, I say to the States, which will be the instrument by which these programs will be implemented, they will have to play a part. They will have to put up some money to do this.

I make the argument it is to their financial benefit to do it. Even though it will cost some money for the programs, I make the argument to the States that if you can get fathers involved in the lives of their children, you will not have to spend as much time chasing down fathers to provide child support, and in many cases not getting that child support, but you will have a better connection with your children which means a better life, and we will actually save the States some money.

I hate to make the economic arguments to the States, but those are the facts. I am hopeful the States will understand this is not just good for their neighborhood, this is not just good for men, it is not just good for women and for children, and for society at large, it is also good for their bottom line and their ability to provide services to the poor.

This is a good piece of legislation. It is not perfect. There are things in this bill I do not like. But we move the ball forward. We increase work a modest amount, a responsible amount. As someone who was in this chair leading the fight in 1996 for this bill and wanting the tough requirements on work, I am not someone who believes we need to dramatically increase that requirement. I know there will be an amendment potentially if we ever get to this bill to increase the work requirement to 40 hours. I will vote against that. The reason is because we do in this bill increase the actual work requirement from 20 hours to 24.

What does that mean? That means the amount of hours someone must be in work in order to be eligible for this program, assuming they did not get off the program to work themselves, they are actually on welfare but working, is increased from 20 to 24 hours. Then we have an additional 10 hours that was in the 1996 act that stays the same, an additional 10 hours to bring the total up to 34 hours. That 10 hours being sort of wraparound issues, whether it is job search or other types of improvement that individuals may be working on to get a better job, to increase their educational skills, get their GED, whatever the case may be.

It is important to have a tougher work requirement to take single mothers out of the home for 40 hours a week, of which 16 of those hours will not be actually working—I don't see the benefit. What we have seen from all the studies is the thing that works the most is work. While these women—it is predominantly, overwhelmingly women—are not in a job outside of welfare, not on a payroll outside of welfare, they still are working and getting work experience.

The additional time is well spent to actually find a job outside of welfare, but I don't think at least at that point in time, because of the transition of a 40-hour requirement, that is going to be beneficial in the long term for these women. I will not support that.

I would have supported a modest increase in daycare funding. What we have done is fundamentally change the expectation of what daycare is. This is more money than people on welfare could ever hope to need when it comes to daycare. This is a whole other agenda trying to be advanced on the bill in the name of welfare to work. But it is simply universal daycare under a different guise. I will not support that.

But we have a lot of steps taken in the right direction in this bill. I am hopeful, again, we can get bipartisan cooperation from people who understand the importance of this legislation in getting it passed and putting those work requirements back on 28 States that right now do not have them so we can begin the process again in turning lives around and improving the quality of lives of children in the poorest neighborhoods in our society.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRY BURK REID, MY 15TH GRANDCHILD

Mr. REID. Mr. President, I wish the people I work with in the Senate knew my father. My father was named Harry Reid, the same name I have. I always looked up to my dad. My dad was uneducated. He didn't graduate from eighth grade, but he was very smart. My father read a lot and he could do things people in college could not do.

For example, he was a miner and he could go underground with a compass, come above ground and do a map. People in college cannot do that. He could do underground mapping. He was a carpenter. He could completely overhaul an engine, a valve job, the whole works. He was a blacksmith, hit tempered steel, all that kind of stuff. And he was a much bigger man than I. I always admired his physical strength. He could put a 50-gallon drum full of water or gas, whatever, in the back of a truck by himself.

The reason I mention Harry Reid tonight, my father, is last night my 15th grandchild was born, a little boy. As I said, I have 15 grandchildren now. The reason I mention my father is because my son told me, this morning, that they have named my grandson after me. So I have a little grandson named Harry Reid.

I hope, as the years go by, that little boy will look at his grandfather in the same way that I looked at my dad.

I am proud of the name Harry Reid. I even sign my ''H'' like my dad did. My

dad said once he saw on a window an ''H'' like that, like I sign my name. So that is the way children are in looking up to their parents and grandparents.

As I said, I hope I can set an example that my grandson will respect and admire. I know it is a burden, and I say this seriously, to have the name Harry Reid, because I have a lot of people who like me, but I have a lot of people who do not like me because of my political stands.

But separate and apart from all that, I hope my grandson will have an example set by me that is one he will believe in—family and keeping families together—and being a young man who conducts himself in a proper manner, and that, hopefully, some of the things I have done and will do will be something he will look to as a role model that maybe he will adhere to.

So I want the RECORD to reflect how much I appreciate my son Josh and his lovely wife Tamsen for giving me this great honor and to have someone who, through all generations of time, will be the third Harry Reid. I am not a junior because my dad had no middle name. And this little boy is not a junior, or could not be anyway, because I am not his father. His name is different. He has a different middle name, Burk, named after his other grandparents, their last name.

So anyway, I am flattered and respectful of my son and daughter-in-law for naming the child after me. I want the RECORD to reflect how much I love and appreciate my son Josh and all my children who have done so much to honor me with their exemplary lives, at least from a parent's perspective.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

SENATOR KERRY'S RECORD

Mr. FRIST. Mr. President, we are currently discussing plans both for later tonight and tomorrow and the next 2 weeks. I had the opportunity to talk to the Democratic leader, and that discussion will go on for a while. While we are in, and have been in a quorum call, I wanted to take the opportunity to address an issue that has to do with gasoline prices, energy policy, something that every single American who drives or benefits from driving is feeling; that is, the price at the gasoline pump.

The distinguished Senator from Massachusetts was in the news this morning expressing his concern about rising gasoline prices. He is right to be concerned. We are all concerned. But what he should be concerned about is his own dismal record in terms of addressing this very issue. Again and again, he has taken positions that result not in what Americans want—that is, lower gas prices—but again and again in his position as a Senator and before, he has been on the other side and engaged in policies and supporting policies that drive the price of gasoline higher and higher.

The Senate record is familiar to most, but in 1983, when he was Lieutenant Governor in Massachusetts, the Dukakis-Kerry administration supported a $50 million gas tax hike on the citizens of Massachusetts. In 1993, in the Senate, he voted for the largest tax increase in American history, the Clinton tax bill, which increased the Federal gasoline tax by 4.3 cents. He also voted twice for the Clinton-Gore Btu tax which, had it been signed into law, would have increased gas taxes by another 7.5 cents per gallon.

The following year he backed a 50-cent increase in the gas tax for all Americans. He wrote a letter at that time to the Boston Globe expressing his disappointment that a scorecard issued by a deficit reduction organization in Washington did not accurately reflect his support for this half-dollar gas tax increase.

The list goes on. The Senator from Massachusetts also wants the United States to accept the Kyoto Protocol which, according to Wharton Economic Forecasting Associates, would raise gasoline prices an additional 65 cents per gallon. And just last year, Senator KERRY voted for climate change legislation which would have imposed a Kyoto-style regulation on 80 percent of the U.S. economy and would have raised gasoline prices by 40 cents a gallon.

That is a little bit of the history and the background for this new concern about gasoline prices by the Senator from Massachusetts, Mr. KERRY.

Put aside a moment the impact that these proposals would have had on an issue that we have talked a lot about on the floor today, and that is jobs and the importance of job creation. The most immediate impact, the most immediate result of Senator KERRY's positions would be to force America's consumers to pay at least a dollar more for each gallon of gasoline they purchase, and that is a conservative estimate.

It is also worth noting that Senator KERRY has consistently opposed any increase in domestic production of energy and any proposal that would reduce our dependence on foreign oil. The Energy bill, which we all know fell two votes short in the Senate last year, is probably the most recent example. Senator KERRY has expressed opposition to this measure, although he was not present in the Senate when we cast that critical vote on the conference report.

In opposing the Energy bill, Senator KERRY is opposing not just the creation of 800,000 new jobs, he is opposing the development of new domestic resources, new resources that come in the United States, including such things as renewable resources such as wind and solar energy. To that you could add clean burning ethanol, and to that you could add advanced coal technology or zero emission nuclear energy and, yes, the development of domestic oil and gas resources as well.

I come to the floor to mention all of this, especially mentioning his record on the floor of the Senate, because it is simply very difficult to take seriously Senator KERRY when he says he is concerned about high gas prices and then blames others for not having addressed them. Throughout his career, Senator KERRY has consistently taken positions that will result in even higher gas prices and lower domestic supplies of energy and jobs lost.

If the Senator from Massachusetts, indeed, wants to engage in a serious discussion about energy policy, I ask that he come back to the Senate and help us do what we should be doing, and that is pass an Energy bill which he and his party unfortunately have been blocking for months.

I appreciate the opportunity to review the record since we had this available time. I do challenge Senator KERRY to engage in a serious discussion about helping us pass that very policy which we know would lower gasoline prices in the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR KERRY'S RECORD

Mr. DORGAN. Mr. President, having just heard the majority leader come to the floor of the Senate and discuss the record of my colleague, Senator JOHN KERRY, I thought it might be useful to respond just a bit.

This Chamber, given some of the dialog—and especially the dialog I heard a few minutes ago—only lacks the balloons, the buttons, and the brass band for being a political convention in a full-scale support of a candidate in a Presidential operation, a Presidential campaign.

It is not my desire nor my intent to talk about the Presidential race. But when I hear people come to the floor and decide to talk about JOHN KERRY's record on energy as a Member of the Senate, I think it is important to respond.

There are a great many allegations being made about Senator JOHN KERRY's record and many—most that I have heard recently—have been flat out untrue, just wrong. One of the great things about the First Amendment in this country is you can say whatever you want to say and, in politics, you can misrepresent someone's record and nobody seems to care very much.

Let me talk for a couple of minutes about these issues. First of all, let's talk about the energy bill. We don't have an energy bill right now. Do you know why? It failed by two votes in the Senate. I voted for it. So did the minority leader. Do you know why it failed by two votes in the Senate? Because the majority leader in the U.S. House stuck a provision in that bill that cost him four, or five, or six votes against the bill in the Senate. Now I hear the majority leader of the U.S. House blame Senator DASCHLE for us not having an energy bill. I looked at that in the paper and I thought, what on earth can he be thinking about? He killed the energy bill by sticking in this insidious provision, a retroactive waiver on MTBE liability. He stuck that provision in. He demanded it. It was killed on the floor of the Senate by two votes.

That bill would have passed the Senate easily without that provision stuck in by the majority leader of the U.S. House. So to have him talk about Senator DASCHLE as somehow holding up the energy bill in this country doesn't make much sense to me. It is just wrong. He is the one who killed that bill on the floor of the Senate with this provision that he inserted.

As to the comments this evening, we have the majority leader come to the floor of the Senate and he seems to imply that my colleague, JOHN KERRY, is against production, against conservation, against efficiency, against renewables. Nonsense. Absolute nonsense. I can tell you what Senator KERRY is for. I sat in meeting after meeting with him over recent years on energy policy, most of which I agree with him on. Sometimes we disagreed.

I will tell you something. This is a man who is very concerned about energy policy in this country. When we talk about these issues, it seems to me it would best behoove us to talk seriously about serious issues.

That has not been the case with respect to Senator KERRY's record on energy, as misrepresented on the floor of the Senate this evening. So let's talk about a couple of these issues.

Renewable energy: Senator KERRY supports renewable energy—wind energy, biodiesel energy, a whole series of areas of renewable energy—that will improve this country's energy supply and extend America's energy supply. He supports it.

Efficiency titles in the Energy bill: Senator KERRY very much supports improved efficiency of all the appliances we use every single day.

Conservation: Senator KERRY has a very strong record on conservation, and the same is true with respect to production.

There has been a lot of misrepresentation. In fact, I heard some misrepresentation recently that Senator KERRY voted for a 50-cent-a-gallon gas tax increase. That is totally untrue, just wrong, flat out wrong.

Talk is cheap so people can come here and assert whatever they like, but when I hear it, I am going to come to the floor of the Senate and say it is not true.

The fact is, this country chooses its leader by going to the ballot box, and this country is owed a serious debate about serious issues. Regrettably, it too seldom gets a serious debate about serious issues. Yes, energy is a serious issue and we have a very serious energy problem and we need an Energy bill passed in the U.S. Congress. Do not blame Democrats for the failure to pass an Energy bill. It failed in the Senate by two votes. It passed the House and failed in the Senate by two votes, and everyone here understands that at least four or five of those two votes that would have been used to pass that bill resulted in a negative vote because of what the majority leader in the House did. Everyone understands that. All you have to do is read a newspaper and you will understand that. People are concerned about the price of gasoline in this country, and they should be. When I say we need an energy policy, we are now close to 60 percent of our oil coming from off our shores, often from troubled parts of the world. That is dangerous. The fact is, our economy is reliant on energy sources from parts of the world that are very troubled. If we want to keep importing oil from Iraq, Saudi Arabia, Kuwait, Venezuela, and other parts of the world, the fact is it will injure us inevitably, it will injure our economy, and it will injure our opportunity to create new jobs, expand and provide hope and opportunity for the American people.

We need to go much further than the kind of debate we traditionally held on energy issues, and that is where Senator KERRY talked about the future. We need to talk about issues such as hydrogen and fuel cells and pole-vault over some of this to talk about how we are going to avoid in the future putting gasoline through carburetors and being dependent on OPEC countries.

Tomorrow there is a meeting of OPEC ministers. They already cut production and are talking about cutting production again. This country ought to jawbone and use the leverage we have to say we need increased production. We have gas prices that are going through the roof.

I do not know what the President is going to do, whether he is going to involve himself and try to jawbone OPEC, but I think he should. We have a serious problem, and it is not just the current spike in gas prices. That happens. It is now happening because of a series of factors. One is the cutback in OPEC production. The second is an imbalance with respect to fuels that are coming into refineries and the lack of refinery capacity. There is a whole series of factors. Even as we address the shorter term, we have to think about the longer term.

I will say to those who want to be critical of Senator KERRY's record, there is nobody in the Senate, in my judgment, who has cared more and worked harder for longer term solutions for an energy policy in this country. It does not serve the country or responsible political debate to come to the Senate and slap people around with bad information. I am sick and tired of that. If you want to turn this into a political convention, get some balloons, bunting, put up crepe paper, hire a brass band, and pretend this is a political convention. But it is not a political convention. This is the Chamber of the United States Senate, and we ought to, it seems to me, talk about what the real policy positions are of the respective candidates and have a competition of ideas.

I, frankly, think both political parties have something good to offer this country, and the interaction of both parties and responsible debate over a long period of time strengthens our country. But I get a little weary of this machine that is so relentless in trying to misrepresent someone's position and slap that misrepresentation around for a while. That is not the way this Presidential campaign ought to be waged. It is not fair to Senator KERRY, who is not in this Chamber, for people to come and mischaracterize his record. I understand people have the right to do it. I am just saying it is not fair. So I hope as we begin to think through some of these issues in the future that we understand there is a place for a political campaign for the Presidency in this country. It is in Ohio, New York, Nevada, North Dakota, Texas, and California—all around America—and there the bands do play, and there the balloons are used to great effect, and people love the political system. That is fine. But I worry a lot about the Senate Chamber being used to misrepresent someone's position on an issue that is as important as this.

What bothered me and persuaded me to come to the Senate floor this moment are two things: One is something I read in the newspaper about 2 or 3 days ago in which the allegation by the majority leader of the other body was it was Senator DASCHLE who was holding up an Energy bill. Nonsense. The majority leader of the other body is the one who killed the Energy bill by putting in this insidious provision, a retroactive waiver of MTBE liability. That is a plain fact.

Second, I heard a speech on the floor of the Senate a moment ago that was just a pure campaign speech that had nothing to do with the merits on one side. It had everything to do with misrepresenting the merits on the other side. That is unfair. I am going to come to the floor again when I hear this done.

I hope the American people are treated to a serious debate about serious issues. Energy is a serious issue. JOHN KERRY is a serious candidate for the Presidency, and he has strong positions, I think defensible positions, on energy dealing with production, conservation, efficiency, renewables, and more. I am sure if he were here to

stand up and speak in response to the majority leader, he would want to do that.

I came to the floor simply to say I hope the American people are treated to a debate that is accurate about energy positions and energy policy by the two candidates. I, for one, feel very comfortable with the long-term view of energy policy as advocated by Senator JOHN KERRY.

Mr. President, I yield the floor.

Mr. REID. Mr. President, will the Senator yield for a question through the Chair?

Mr. DORGAN. I will be happy to yield for a question.

Mr. REID. Mr. President, I have not been able to hear all of the statement of the Senator from North Dakota, but I am sure, as always, it was right on the point. There is something I would like to direct in the form of a question to him.

I was asked to appear on a television show this afternoon, and I was happy to do that. The reason I appeared on the show was to respond to some TV ads that are starting tomorrow where the Bush campaign is paying millions of dollars to run an ad around the country that is absolutely fabricated. The ad said Senator KERRY voted for a 50-cent-per-gallon gas tax increase. Is the Senator aware that this statement is baseless, never happened, and that millions of dollars are going to be spent starting tomorrow saying Senator KERRY has previously in the Senate voted for a 50-cent-a-gallon increase in taxes for gasoline?

Mr. DORGAN. Mr. President, I say in response to the question from the Senator from Nevada, I have done what little research I could, because I understood this ad was being set to run across the country that said Senator KERRY has voted for a 50-cent-a-gallon gas tax increase. My understanding is it is simply untrue. If somebody has evidence of which I am not aware, bring it to the floor. My understanding is it is not true.

It is similarly not true that Senator KERRY is opposed to renewable fuels, opposed to conservation, opposed to increased efficiency of appliances which was alleged a few minutes ago on the Senate floor. They are not grounded in fact.

As I said, everybody has a right to say these things. It is the political system. This is the floor of the Senate, and those of us who hear something we know is demonstrably false also have a right to come to the floor to say this is not the best of what this system has to offer the American people. This ought to be a competition of ideas of both sides using facts and saying here is where one stands and here is where the other stands, and here is why and take your pick. That is what the political system ought to be about.

To the extent there are exaggerations—and there sure are in politics; they occur on the political stage all around the country—that is fine as well; that is politics.

It is a bit different especially to come to the Senate floor and misrepresent the record of Senator KERRY.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2943

Mr. CORNYN. Mr. President, I rise to discuss amendment 2943, which is the Cornyn-Bingaman amendment. I ask unanimous consent that Senator KENNEDY be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. This amendment is very simple. It would correct a technical problem caused during the passage of the Responsibility and Work Opportunity Reconciliation Act in 1996. Section 411 of the welfare law reads that State and local governments may not use their own resources to provide nonemergency health services to nonqualified immigrants unless the State has passed new legislation authorizing such expenditures.

This provision has caused quite a bit of confusion. As a matter of fact, when I was Attorney General of Texas I was asked to interpret this provision. It was during the course of that official action that I discovered the Federal law, because our State legislature had not acted, had unintended consequences. It is safe to say this provision has been read by State and local governments with varying interpretations.

Essentially, the current law imposes a double standard on State and local governments. Because certain Federal public health programs are exempt from this requirement, identical State and local government health programs are not. The end result is more legal and administrative costs on State and local governments, even though the provision has no enforcement mechanism. Even without the confusion, section 411 makes no practical sense. We should not put up more roadblocks for those who want to provide preventive treatment, especially when it comes to potential community problems such as infectious diseases.

By giving localities control over preventive services, here again at their own expense, not at Federal taxpayers' expense, we ensure local funds are spent where the people who know best believe they should be spent. Ultimately, this will have the effect of driving down health care costs by preventing treatable illnesses before they become acute and before they require expensive taxpayer-supported care, usually in an emergency room where anyone, no matter who they are, knows they can be treated and indeed must be treated according to a Federal mandate which I know is an interest of the presiding Senator, particularly because it is an unfunded Federal mandate.

Our amendment would simply strike the word ''health'' from section 411 of the welfare law. This step clarifies that State and local governments can use their own funds to provide health services to immigrants, including primary and preventive health care and infectious disease services, without enacting a new law. It is a commonsense step and one I hope my colleagues will support.

This amendment is also widely supported by several well-respected national associations, including the American Hospital Association, the National Association of Public Hospitals and Public Health Systems, the National Association of Counties, and the Catholic Health Association.

AMENDMENT NO. 2942

I also want to briefly discuss another amendment, No. 2942. I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. The Senator from Connecticut has a deep understanding of the importance of child support enforcement, and I like me, learned about how critical that issue is during his service as his State's attorney general, as I did during my service as attorney general of my State.

This amendment features two positive reforms for child support enforcement. It encourages States to adopt electronic payment systems by 2008. While States can opt out of that if they choose to, it will help get payments to custodial parents more quickly than is currently done now. It creates an option for States to centralize all child support payments to reduce confusion among employers who withhold child support payments from the wages of their employees, and it will ensure children get the financial support they need on time which, of course, is our universal goal.

I hope my colleagues will support this second amendment as well.

I ask unanimous consent that letters of support from each of these organizations be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF COUNTIES,
March 30, 2004.

Hon. JOHN CORNYN,
Hon. JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS CORNYN AND BINGAMAN: On behalf of the National Association of Counties (NACo), I would like to express our support for the Cornyn-Bingaman amendment to the Personal Responsibility, Work, and Family Promotion Act of 2003. The amendment, as you know, would clarify that states

and counties may use their own funds to provide critical preventative health care services to immigrants.

NACo is the only national organization representing county governments. Many of our country's 3066 counties own and operate hospitals and other health care facilities. Without the passage of this amendment, county governments are placed in a precarious position if they decide to provide preventative care to unqualified immigrants in order to protect the local community's health. As has been repeatedly demonstrated, the provision of preventative care is less costly over time than providing evasive services in emergency rooms. However, the cost savings to preventative care are far outweighed by the protection provided to the community's public health as a whole.

Counties serve as safety-net providers, ultimately financing and providing care for our Medicaid ineligible and un-enrolled populations. We support the ability to finance this care in the most appropriate manner.

Thank you for your leadership and efforts to ensure that counties are able to protect the health of our local communities. We look forward to working with you on this important issue.

Sincerely,

LARRY NAAKE,
Executive Director.

THE CATHOLIC HEALTH ASSOCIATION OF THE UNITED STATES,
St. Louis, MO, March 30, 2004.

Hon. JOHN CORNYN,
Hart Senate Office Building,
Washington DC.

DEAR SENATOR CORNYN: On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more then 2,000 Catholic health care sponsors, systems, facilities, and related organizations, I am writing in support of your efforts to ensure that state and local governments have the ability to use their funds to provide non-emergency health services to legal and undocumented immigrants.

Specifically, CHA supports your amendment to strike the word ''health'' from Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which has been interpreted by some states to prohibit the use of any state and local funds to provide lifesaving health care to immigrants. This interpretation stands in sharp contrast to the thrust of PRWORA, which generally gave states greater authority to determine welfare rules, and the resulting confusion has had a negative impact on the health of immigrants in many states.

By clarifying that states and local governments may use their own funds to provide health services to immigrants, including important preventive care, your amendment can help ensure that hospitals and clinics have the clarity they need to serve the best interest of all of their patients. As organizations founded in a faith tradition and committed to the principles of Catholic social justice teaching, Catholic hospitals recognize and affirm the inherent dignity of every human being. Your amendment helps to further that principle.

Thank you again for your efforts to ensure that state and local governments have the certainty they need to use their own funds to provide appropriate health care to all immigrants. If we can be of any assistance, please do not hesitate to contact us.

Sincerely,

Rev. MICHAEL D. PLACE, STD,
President and Chief Executive Officer.

Mr. DEWINE. Mr. President, I would like to commend the Senator from Maine, Ms. SNOWE, on the passage of her amendment to increase the mandatory funding levels for the Child Care and Development Fund by $6 billion over 5 years. I enthusiastically support this amendment, as it is designed to help so many families with young children by ensuring that those children are properly cared for while their parents are at work.

Unfortunately, we know that more than 10 million children in the United States are left unsupervised after school on a regular basis. We know that the welfare rolls have been cut nearly 60 percent since 1996, and therefore, this statistic will only continue to grow as more and more parents work. Further, with cuts in State childcare funding, many working families are faced with no care for their children due to waiting lists and higher childcare costs.

But, with the passage of this amendment, my home State of Ohio alone would receive over $34 million in additional childcare funds next fiscal year and more than $266 million over the next 5 years. This translates into more children receiving care and more parents with the peace of mind that their children are being properly attended to while they cannot be at home.

Again, I commend Senator SNOWE for her leadership on this issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are in discussion now determining the best pathway to completion on the underlying bill, the welfare bill, an important bill that I know both sides of the aisle do want to appropriately address, through amendments and through the debate process, and we are working on the best way to accomplish that.

As I set out really 3 weeks ago, but in the early part of last week, we have set this week aside to address welfare and we are doing just that. But I really need to do everything possible to see that we do complete it this weekend. To help accomplish that, I will be sending a cloture motion to the desk on the pending committee substitute.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 305, H.R. 4, an act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

Bill Frist, Charles E. Grassley, John E. Sununu, Conrad Burns, Lamar Alexander, Peter G. Fitzgerald, Larry E. Craig, John Cornyn, Robert F. Bennett, John Ensign, Orrin G. Hatch, Mike Enzi, Mitch McConnell, Ted Stevens, Norm Coleman, James M. Inhofe, Kay Bailey Hutchison.

Mr. FRIST. I ask unanimous consent the quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the information of Senators, we will be closing here shortly, as soon as we wrap up a few things in a few minutes.

CAMBODIA TRAGEDY REMEMBERED

Mr. McCONNELL. Mr. President, today marks the seventh anniversary of the grenade attack against the Khmer Nation Party, renamed the Sam Rainsy Party, in Cambodia.

Recently, my friend from Arizona circulated a letter, which I gladly signed, calling for the Federal Bureau of Investigation to return to Phnom Penh to continue its investigation into the attack. I encourage the State Department and the FBI to coordinate efforts to ensure the FBI's quick return and to keep Congress informed of any progress in this case.

As I have in the past, I ask unanimous consent that the names of those murdered in this cowardly attack be printed in the RECORD following my remarks. Justice delayed has been justice denied for these victims and their families. They remain in my thoughts and prayers.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. Cheth Duong Daravuth, Mr. Han Mony, Mr. Sam Sarin, Ms. Yong Sok Neuv, Ms. Yong Srey, Ms. Yos Siem, Ms. Chanty Pheakdey, Mr. Ros Sear, Ms. Sok Kheng, Mr. Yoeun Yorn, Mr. Chea Nang, and Mr. Nam Thy.

A DECADE OF EXCELLENCE

Mr. DASCHLE. Mr. President, every year, hundreds of thousands of high school students participate in team sports and other extra curricular activities. Through these activities, many young people learn the value of working together with others, and the meaning of hard work sacrifice.

These activities also teach our Nation's students to set their sights high,

by demonstrating that remarkable achievements come only with hard work and dedication. Today, I pay tribute to a group of young women from Madison High School in Madison, SD, who have proved this fact time and time again, most recently by extending one of the more remarkable winning streaks in our Nation.

On February 20, 2004, the girls' gymnastics team at Madison High won the Class A state title for the tenth consecutive season.

For the first seven titles, the Bulldogs were led ably by coach Linda Collignon. Since then, Madison has come full circle, having been led to the last three titles by Maridee Weise, a member of that first championship team.

It has been a long road for the Madison High team. In the early days of the gymnastics program at Madison High, many of the student-athletes would make the 90-mile round trip from Madison to train at a gymnastics facility is Sioux Falls. In time—and under the leadership of Coach Collignon—members of the Madison community volunteered to build a training facility on the high school campus, saving the school district more than $100,000. It is that kind of community involvement and interest in its youth that has helped establish Madison's tradition in the sport.

Each day at practice, these student-athletes are motivated by a drawing of the classic World War II symbol, Rosie the Riveter, and the phrase ''We Can Do It!'' They have not only come to recognize the truth in those words, they have lived up to them.

I ask my colleagues to join me in saluting these student-athletes and their coaches on their latest championship, and on their truly remarkable run. I am proud to ask unanimous consent that the 2003–2004 Madison High School girls' gymnastics team roster be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Team members: Kari Schaefer, Brittany Postma, Brooke Postma, Landra Tieman, Jenny Poppen, Katie Keegan, Katie Breuer, Heidi Mogck, Kassie Finck, Sara Rogers, Heather Williams, Theresa Knapp, Katie McKenzie. Head Coach: Maridee Wiese, Assistant Coach: Kindra Norby, Student Manager: Erin Blom.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

A high school senior in Perry, IA, was harassed for 4 years by students who believed him to be gay. The high school student was repeatedly pushed, shoved, and verbally attacked with anti-gay epithets. Students had also urinated on the high school senior in the shower after wrestling practice.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONGRESSIONAL GOLD MEDAL TO DOROTHY HEIGHT

Mr. LEAHY. Mr. President, last week Dr. Dorothy Height was awarded the Congressional Gold Medal in a ceremony in the Capital rotunda, on her 92nd birthday.

Dr. Height is a living legend. She is widely recognized as one of the preeminent civil rights leaders of modern history. Dr. Height has been a tireless advocate for equal rights for women, African Americans, and others for more than 65 years. From 1944 and until 1977, Dr. Height served on the National Board of the Young Women's Christian Association YWCA. In 1965, she launched the Center for Racial Justice at the YWCA, and she served as its director until 1977.

Currently the Chair and President Emerita of the National Council of Negro Women, Dr. Height became its fourth president in 1957. Under her leadership, the NCNW made substantial contributions and advances—both for the greater community of African American women and as an organization. Dr. Height led the NCNW to establish the first institution devoted to Black women's history, secure the Mary Bethune Council House designation as a national historic sited, achieve tax exempt status for the NCNW, and bring the NCNW to national prominence.

Dr. Height played an active leadership role in virtually every major civil and human rights cause since the 1960s. She was the only woman at the table when Dr. Martin Luther King and the ''Big Six'' civil rights leaders made plans for he civil rights movement. Her life of distinguished service has been recognized with over 50 awards, including the National Council of Jewish Women's John F. Kennedy Memorial Award, the Congressional Black Caucus's William L. Dawson Award, the Ladies Home Journal's 'Women of Year,'' the Presidential Medal of Freedom from President Clinton, and now the Congressional Gold Medal.

It is rare that Congress comes together to grant this award, but Dr. Height's life's work epitomizes the distinguished commitment to serve for which it was created to recognize. I congratulate Dr. Dorothy Height for nearly a century of remarkable leadership.

THE SITUATION IN DARFUR

Mr. FEINGOLD. Mr. President, I rise to comment on the ongoing crisis in Darfur, a region in western Sudan that has been the site of atrocities for months. A recent report from the International Crisis Group spells out the horrifying facts of the situation. The report indicates that 830,000 people have been displaced as a result of the conflict, and thousands have been killed. Government-supported militias have deliberately targeted civilians, sometimes focusing on unprotected villages with no apparent link to the rebels other than their ethnic profile. According to credible reports, militia atrocities have included indiscriminate killing and mutilation, rape on a massive scale, and the looting and destruction of food reserves and other property. Outright and indiscriminate government bombing has also been verifiably reported since the conflict began.

We must ask ourselves two questions. First, what can be done to help the innocent men, women, and children caught up in this nightmare? The U.S. must work with the international community to signal our collective resolve and to insist that the Government of Sudan stop playing games with humanitarian access. Khartoum needs to feel the pressure, and all parties need to work urgently for a settlement.

But we must also ask, what do these developments in Darfur tell us about the Government of Sudan? The reports from the region seem to confirm that the Government of Sudan has no qualms about backing attacks on innocent civilians.

I want the administration's extremely laudable peace initiative in Sudan to succeed. Many dedicated professionals have devoted countless hours to this enterprise, and many courageous Sudanese have taken difficult steps in the pursuit of a just peace. But my doubts about the prospects for a future of peace and cooperation are growing, rather than dissipating, at each new report on the Darfur crisis. I doubt the stability and sustainability of a peace agreed to by a party that accepts organized atrocities as just one more tool in its toolbox of governing. What kind of peace can be achieved with this kind of partner? Can we truly have confidence in this government's good faith? What kind of future cooperation can we realistically expect?

As a member of the Foreign Relations Committee's Subcommittee on African Affairs, I have been engaged on issues relating to Sudan for many years. I was proud to work with my colleague on that subcommittee for several years, Senator FRIST, on the Sudan Peace Act. I recognize the complexity of Sudanese dynamics, and I certainly understand that the situation in Darfur is different from the conflict between the Government of Sudan and

the forces of the south, most prominently the Sudanese People's Liberation Movement. But some of the elements of the Darfur crisis are, unfortunately, quite familiar. We have seen obstacles thrown up to humanitarian access, we have seen the near-total abdication of responsibility for the basic security and well-being of Sudanese civilians, and we see government-backed militias employed to keep some of the dirtiest of the dirty working at some token distance from officials.

On December 16, 2003, the State Department issued a statement expressing ''deep concern'' about the humanitarian and security situation in Darfur. The statement indicated that:

> the United States calls on the Government of Sudan to take concrete steps to control the militia groups it has armed, to avoid attacks against civilians and to fully facilitate the efforts of the international humanitarian community to respond to civilian needs.

But it then contained this final sentence:

> The fighting in Darfur is not linked to the ongoing peace talks between the Government of Sudan and the Sudan People's Liberation Movement/Army in Kenya.

I am among many observers who fear that this sentence was interpreted in Khartoum as a signal that the disincentives articulated by the U.S. in the context of the peace talks will not be applied because of abuses in Darfur.

I urge the administration to insist that the Civilian Protection Monitoring Team be permitted to investigate alleged attacks on civilians throughout the country, including attacks in Darfur. The Government of Sudan should have no formal or informal veto power over this team's investigations. The team was established as a confidence-building measure, and it was agreed to by all parties. But to suggest that the Government of Sudan should be able to pick and choose areas in which the team is permitted to conduct its inquiries undermines confidence.

I do respect the fact that delicate diplomacy is ongoing, and I want to be able to celebrate a lasting end to Sudan's north-south civil war as much as any Member of this body. But none of that changes the fact that what is happening in Darfur is inexcusable, it is undermining the Naivasha peace process, and it is casting a pall over the future of Sudan at a time when light had finally begun to shine on that long-suffering country. It is time to stop expressing quiet concern, and to start treating this crisis with the urgency it deserves.

WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, in conjunction with the March celebration of Women's History Month, I rise today to salute a number of women who have dedicated themselves to the fight against global AIDS and HIV.

This year the theme of Women's History Month is ''Women Inspiring Hope and Possibility.'' It may seem that phrase is too broad—and a month is too short—to fully recognize or appreciate the many and varied accomplishments of women throughout the years. From the medical professional who administers compassion along with her care, to the educator who inspires her pupils and allows them to achieve, to the mother who installs in her children feelings of worth and value, women foster hope and opportunity in their everyday actions.

While traditionally this month is used to commemorate women from the past, it seems fitting that we take some time to look at modern-day heroines. Today, the women we honor are busy ensuring that HIV/AIDS will soon be relegated to a chapter in history—a terrible and sorrowful chapter but history nonetheless.

There are 42 million people throughout the world living with HIV/AIDS. We saw more than 3 million AIDS-related deaths in 2003. Each year, AIDS deaths claim more than the entire population of Chicago. Life expectancy has dropped below 40 years of age in 10 countries in sub-Saharan Africa. AIDS has already erased 15 years of progress in the worse affected countries. Despite our efforts to date, this epidemic continues its deadly spread across the globe.

More than 30 million HIV/AIDS sufferers are located in sub-Saharan Africa or Southeast Asia, where more than 60 percent of those infected are women. At especially high risk are teenage girls, who frequently marry older men at a very young age, and have little control over their destiny. This, in turn, puts the next generation of children in a position or susceptibility, as each year about 120,000 HIV-positive women become pregnant.

As Americans, it is sometimes hard to see that the AIDS epidemic is not just across the ocean, it is in every part of this world. It is in our own backyard and poses a threat from every direction. Once a person has seen its devastation face to face, he or she will never be the same.

Three years ago, I went to Africa and saw it myself. I saw it in Uganda, where I sat on a porch with mothers who were HIV-positive. They were gathering scrapbooks, photos, notes, and little memorabilia of their lives to leave to their children who were in the yard playing, children who had been orphaned already, or who, having lost one parent, were about to lose their second parent.

I saw it as I traveled through Botswana and South Africa. A senior governmental official confided to me that whenever she travels from her busy capital to her home district, she loads up a large van with coffins and tents, and spends her time helping her constituents, one after another, bury their loved ones and grieve for their dead. She attends funerals, not parades. She gives away coffins, not bumper stickers. There are the politics of Africa in the era of AIDS.

Most recently, as I traveled to India and Bangladesh, I witnessed the plight of the rural, female AIDS sufferer, and I saw those who were working to help her. I firmly believe that the future of India lies in the hands of its women.

When you meet the victims of AIDS, when you see their courage, and see what little it takes to fight this AIDS epidemic successfully, as they have in Uganda and a few other countries, you realize that our leadership and our commitment at this moment in history can make such a difference.

Two women, Dr. Helene Gayle and Dr. Amy Pollack, head organizations dedicated to providing that leadership and to preventing the spread of the disease through multifaceted intervention and family planning.

Dr. Gayle, who cochairs the Global HIV Prevention Working Group for the Gates Foundation, previously worked for the Centers for Disease Control, CDC. There, she initiated HIV-prevention programs built around U.S. communities, as well as the CDC's global AIDS initiative. It is her belief that a comprehensive approach that includes prevention services, such as STD treatment, behavioral risk reduction, and voluntary HIV testing, along with HIV treatment and care for affected populations, is the cornerstone of stemming the AIDS pandemic. Wielding the influence of the Gates Foundation name and funding, she is in a unique position to ensure implementation of these methods, and she has done so with great success.

Dr. Pollack's EngenderHealth organization was a 2002 United Nations Population Award laureate. Through her trips to Africa, Dr. Pollack, has borne witness to EngenderHealth's unique family planning initiatives, concentrating on the gap between the desire for contraception and access to it. With a goal of reducing the number of HIV-infected children and orphans, EngenderHealth assists clinics to close this gap.

I salute the vision of Dr. Gayle and Dr. Pollack and commend them for their dedication and perseverance.

As Americans become more aware of the pandemic proportions of this disease, especially in Africa and South Asia, increasing numbers of women are working for AIDS awareness, treatment and prevention.

Sixteen years ago, three American women whose lives had been touched by this horrific disease sat around a kitchen table in Santa Monica, CA. Recognizing that there was a huge gap in understanding how infected children were affected by HIV/AIDS, they cofounded an organization to fund research for pediatric AIDS.

Today, that organization, the Elizabeth Glaser Pediatric AIDS Foundation, is the premier not-for-profit in its field. Although Elizabeth Glaser, who cofounded the organization with Susan DeLaurentis and Susie Zeegan, passed away in 1994, her dream—and her name—live on through the foundation.

Today we honor the legacy of Elizabeth Glaser and the work of these three women.

I said at the outset of these remarks that it is traditional to honor the great historical contributions of women in connection with Women's History Month. The thousands of women working to find a cure, to help those who are suffering, or to cope with this disease in their own lives are surely making a lasting and positive impact on the history of the world.

Mr. President, today I have paid tribute to just a few of these women. My only regret is that I cannot give much deserved thanks and recognition to all the women who have dealt with, or are dealing with, HIV/AIDS in their own lives, in their communities and around the world. In celebrating Women's History Month, we say to them: Thank you. Thank you for your commitment, your compassion, and your courage. Thank you for leading us into a better future.

MICHAEL A. HUGHES

Mr. LAUTENBERG. Mr. President, today, I express my gratitude to a member of my staff, Michael A. Hughes, who will be returning to his regular job as a senior inspector in the U.S. Marshals Service after tomorrow. Mike has worked in my office for the past 15 months as a legislative fellow, and my staff and I have been extremely fortunate to have Mike's help. We will miss him.

Mike is a New Jersey native who was born in Jersey City. He graduated from Montclair University with a degree in political science and criminal justice in 1990. After college, he joined the U.S. Marshals Service—America's oldest federal law enforcement agency—as a deputy marshal and quickly distinguished himself as an outstanding law enforcement official. For instance, Mike was tasked with the responsibility of accompanying crime boss John Gotti to and from his 1992 trial, and then escorting Gotti to the maximum security facility for federal prisoners in Marion, Illinois, after his conviction and sentencing. Mike was also responsible for protecting high-ranking foreign dignitaries who visited the United Nations headquarters in Manhattan.

Mike conducted several criminal and civil investigations and soon became an inspector in the U.S. Marshals Service's Witness Security Program. Later, he became a senior inspector. Never in the 30-year history of the Witness Security Program has a cooperative participant or his or her family been discovered or harmed. We can attribute much of that recent success to Mike's dedication and professionalism.

It has been helpful to me over the past 15 months to have someone with Mike's extensive personal knowledge of guns and law enforcement issues. Since Mike has been a member of my staff, he has worked on S. 1805, the gun immunity bill; S. 1431, my bill to extend the assault weapons ban, and other 2nd Amendment issues. He has also made significant contributions on a number of criminal justice and homeland security matters. Mike is committed to promoting public policies that, if we were to adopt them, would make our country demonstrably safer.

On many occasions, I have remarked that when I moved to the public sector after 30 years in the private sector, I was struck by the dedication, professionalism, and competence of federal employees. I am tired of hearing public sector employees belittled and denigrated in some quarters. I have been impressed by the public servants I have met over the years, and Mike is no exception. He has performed his difficult—and often dangerous—duties with distinction. I think Mike is an outstanding role model for young adults interested in working in our government.

Mr. President, as I thank Mike for his tremendous service and wish him the best of luck in his new endeavors, I would also like to take this opportunity to thank John ''Jay'' McNulty, who serves as chief of the Marshals Service's Office of Congressional Affairs. Jay made it possible for Mike to come and work for me, and I am grateful for that. I have been fortunate to have Mike on my staff; the Nation is fortunate to have him in the U.S. Marshals Service.

ADDITIONAL STATEMENTS

RECOGNIZING THE INTERNATIONAL ASSOCIATION FOR ORGAN DONATION

● Mr. LEVIN. Mr. President, I take a moment to recognize the International Association for Organ Donation, IAOD. The IAOD strives to increase awareness of organ donation and transplantation, as well as bone marrow and tissue donation. This organization provides educational and outreach programs to the general public, with a focus on racial and ethnic minorities.

Each April, the International Association for Organ Donation celebrates National Donate Life Month. This year is especially important as it marks the 50th anniversary of the first successful liver transplant. In honor of this monumental occasion, the IAOD is sponsoring ''50 Years of Sharing Life'' to publicize the plight of those in need of an organ transplant.

Today in America, 83,000 patients are currently awaiting an organ transplant. Although there are 68 successful organ transplants each day, an additional 100 patients are added to the waiting list and sadly, 18 people die each day as they wait for this life-saving procedure. Tissue donations, such as bone marrow, are also in short supply. Nearly 3,000 people are searching the National Marrow Donor Program Registry at any one time and an additional 3,000 patients are added to the registry each month.

There is something we all can do to reduce these staggering statistics. Great strides could be made if the estimated 10,000 to 14,000 eligible Americans who die each year pledge to become organ donors. The IAOD is a driving force in sharing the message that life is a gift to share.

It is with great pleasure that I offer my sincerest appreciation and support to the International Association for Organ Donation as it celebrates the 50th anniversary of the first successful liver transplant. I give my thanks to the organization, its staff, and its partners as they work to fulfill their life-saving mission.●

25TH ANNIVERSARY OF SKADDEN, ARPS, SLATE, MEAGHER AND FLOM DELAWARE

● Mr. CARPER. Mr. President, I rise today to recognize the 25th anniversary of Skadden, Arps, Slate, Meagher and Flom Delaware. This organization is celebrating a quarter century of nationally renowned expertise in corporate mergers and acquisitions here in the First State. Skadden, Arps, Slate, Meagher and Flom has built a reputation for providing integral service throughout the Nation and in Delaware. If this organization's first quarter century is any indication of what it will offer in the future, we have much to which to look forward.

Marshall Skadden, John Slate, and Les Arps founded the firm in New York City on April Fool's Day, 1948. After starting with just three lawyers, Skadden, Arps, Slate, Meagher and Flom has grown to more than 1,700 lawyers in nine offices—seven in the United States, one in Tokyo, and one in London. Few, if any, law firms in America today are more highly regarded professionally or financially successful.

The firm's client list includes more than one-third of the Fortune 500 companies, 10 of the top 15 U.S. commercial banks, 23 of the top 25 U.S. investment banks and 7 of the top 10 Japanese banks doing business in the United States. The organization's more than 20 individual practice areas serve as visible proof of the successful philosophy: that the client's needs always come first; that they can and do commit a maximum effort to provide top quality advice and timely service to clients; and that the law firm can and should be run as a business, consistent with professional responsibilities.

It was 25 years ago, in May of 1979, that Rodman Ward, Jr. and Steven J. Rothschild agreed to open the Wilmington, DE, office of Skadden, Arps, Slate, Meagher and Flom, becoming the 46th and 47th partners in that firm. Skadden Delaware became the first major out-of-town law firm to open an office in the State of Delaware.

Over the past 25 years, Skadden Delaware has grown tenfold, from its original six attorneys to its present complement of nearly 60, becoming one of the largest and most influential law offices in the State of Delaware, and employing more than 150 Delawareans.

Skadden Delaware attorneys have counseled clients in many of the largest and most groundbreaking corporate transactions, including highly publicized contests for corporate control, and contributed thereby to the reputation of the Delaware courts as the preeminent arbiters of corporate law issues in the world, and to the State of Delaware's dominance as the preferred domicile for corporations large and small across the United States.

Skadden Delaware lawyers have also contributed their professional and personal resources to a wide variety of civic and charitable endeavors outside the confines of their law practice, to the consistent benefit of the State of Delaware and its citizens.

Former Skadden Delaware lawyers have gone on to hold positions of high trust and importance in the State of Delaware, serving on the Court of Chancery and the supreme court, as counsel to the Governor, as U.S. attorney, and as president of the Delaware bar.

I thank Skadden Delaware for all that they do, not only in Delaware, but across the country, and I wish them a very happy 25th anniversary. I rise today to offer my full support and to congratulate them on a remarkable quarter century of success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

H.R. 3926. An act to amend the Public Health Service Act to promote organ donation, and for other purposes.

H.R. 1997. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with an amendment:

S. Con. Res. 95. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

The message further announced that the House insist upon its amendment to the concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered that Mr. NUSSLE, Mr. PORTMAN, and Mr. SPRATT, be the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3723. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Vaughn Gross Post Office Building''.

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''.

The message also announced that the House agree to the amendments of the Senate to the bill (H.R. 2584) to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmosphere Administration ship, and for other purposes.

The message further announced that pursuant to (10 U.S.C. 111 note) the Minority Leader hereby appoints retired Army Lt. General H.G. (Pete) Taylor, to the Commission on the Review of the Overseas Military Facility Structure of the United States.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3723. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Vaughn Gross Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3917. An act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2250. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6856. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–09; to the Committee on Appropriations.

EC–6857. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03–02; to the Committee on Appropriations.

EC–6858. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 00–06; to the Committee on Appropriations.

EC–6859. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–6860. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Armed Services.

EC–6861. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the notification of the Department's intent to transfer $372 million from the Defense Working Capital Funds to the Operation and Maintenance Appropriations; to the Committee on Armed Services.

EC–6862. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report of the transfer of the historic harbor tug ex-HOGA (YTM 146) to the Arkansas Inland Maritime Museum, North Little Rock, Arkansas; to the Committee on Armed Services.

EC–6863. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost and a Program Acquisition Unit Cost (PAUC) breach; to the Committee on Armed Services.

EC–6864. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Under Secretary of Defense for Logistics and Material Readiness, Department of Defense, received on March 29, 2004; to the Committee on Armed Services.

EC–6865. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Review Panels performing duties pursuant to the Military Commission process; to the Committee on Armed Services.

EC–6866. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to the annual audit of the American Red Cross; to the Committee on Armed Services.

EC–6867. A communication from the Director, Defense Procurement and Acquisition

Policy, transmitting, pursuant to law, the report of a rule entitled ''Free Trade Agreements—Chile and Singapore'' (DFARS Case 2003–D088) received on March 29, 2004; to the Committee on Armed Services.

EC–6868. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending: Rule of Construction'' (R–1167) received on March 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6869. A communication from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Bank Activities and Operations—12 CFR Part 7'' received on March 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6870. A communication from the Legal Counsel, Community Development Financial Institutions Fund, transmitting, pursuant to law, the report of a rule entitled ''Notice of Funds Availability Inviting Applications for the Community Development Financial Institutions Fund'' received on March 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6871. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes Model A300 B4–600 A300–B4–600R and A300 F4–600R Series Airplanes (Doc. No. 2001–NM–302) Model A3110 Series Airplanes Model A319, A320, and A321 Series Airplanes Model A330–301, 321, 322, 341, and 342'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6872. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospace Technologies of Australia Pty. Ltd. Models N22B, N22S, N24A Airplanes Doc. No. 2003–CE–37'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6873. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines Doc. No. NE 2003–NE–56'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6874. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319 and A320 Series Airplanes Doc. No. 2001–NM–301'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6875. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Mystere-Falcon 900 Series Airplanes Doc. No. 2001–NM–390'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6876. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–90–30 Airplanes Doc. No. 2001–NM–275'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6877. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200 and 300 Series Airplanes Doc. No. 2003–NM–49'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6878. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Johnson, KS Doc. No. 04–ACE–17'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6879. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Gideon, MO Doc. No. 04–ACE–16'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6880. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A 300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, N4–203 Series Airplanes Model A300B4–600, B4–600R and F4–600R (Collectively Called A300–600) Series Airplanes and Model A310 Series Airplanes Doc. No. 2002–NM–113'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6881. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9 81–83, DC–9–87 and MD 88 Airplanes Doc. No. 2000–NM–170'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6882. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT; Doc. No. 2002–NM–238'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6883. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Festus, MO Doc. No. 04–ACE–14'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6884. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fulton, MO Doc. No. 04–ACE–15'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6885. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Springfield, MO Doc. No. 03–ACE–100'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6886. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cedar Rapids, IA Doc. No. 04–ACE–10'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6887. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cassville, MO Doc. No. 04–ACE–18'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6888. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9 81–83, DC–9–87 and MD 88 Airplanes Doc. No. 2000–NM–170'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6889. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–300, 400, and 500 Series Airplanes Doc. No. 2001–NM–88'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6890. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10–10F, 15, 30, 30F, 30F(CK–10A and KDC–10), 40, 40F, MD–10–10F and 30F Airplanes and Model MD–11 and 11F Airplanes Doc. No. 2003–NM–43'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6891. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–400–401 and 402 Airplanes Doc. No. 2002–NM–311'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6892. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes Doc. No. 2004–NM–17'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6893. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Des Moines, IA Doc. No. 04–ACE011'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6894. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–200C and 200F Series Airplanes Doc. No. 2001–NM–278'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6895. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes Model A310 Series Airplanes Doc. No. 2001–NM–303'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6896. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 31, 31A, 35, 35A (C021A0, 36, and 36A Airplanes) Doc. No. 2001–NM–366'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6897. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale Model ATR72 Series Airplanes Doc. No. 2001–NM–376'' (RIN2120-AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6898. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CT58 Series and T58 Series Turboshaft Engines Doc. No. 2003–NE–66'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6899. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 Series Airplanes Doc. No. 2004–NM–28'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6900. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 Series Airplanes Doc. No. 2002–NM–320'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6901. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320–111, 2111, and 231 Series Airplanes Doc. No. 2002–NM–118'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6902. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes Doc. No. 2001–NM–355'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6903. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 900EX Series Airplanes Doc. No. 2001–NM–283'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6904. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319 A320 Series Airplanes Doc. No. 2002–NM–183'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6905. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company (GE) CF6–80 Series Turbofan Engines Doc. No. 2004–NE–05'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6906. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320–111, 211, 212, and 231 Series Airplanes'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6907. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F28 Mark 0070 and 0100 Series Airplanes Doc. No. 2004–NM–10'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6908. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and B4 Airplanes, A300 B4–600 and 600R, C4–605R Variant F, and F4–600R (Collectively Called A300–600) and A310 Series Airplanes Doc. No. 2002–NM–04'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6909. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, B3, C, D, D1, E, F, F1, F2, and N Helicopters Doc. No. 2002–SW–44'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6910. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls–Royce Corporation A 3007 Series Turbofan Engines Doc. No. 2000–NE–29'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6911. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200 and 300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO Doc. No. 2003–NM–170'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6912. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes Doc. No. 2004–NM–03'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6913. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model Otter DHC–3 Airplanes Doc. No. 2000–CE–73'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6914. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Corporation Beech Models 45(YT–34), A45 (T–34A, B–45) and D45 (T–34B) Airplanes Doc. No. 2000–CE–09'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6915. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34–8E Series Turbofan Engines Doc. No. 2004–NE–06'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6916. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes Doc. No. 2004–NM–17'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6917. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model 1555B Helicopters Doc. No. 2003–SW–12'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6918. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS365 N3 Helicopters Doc. No. 2003–SW–11'' (RIN2120–AA64) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6919. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Clinton, MO; Doc. No. 04–ACE–2'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6920. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Parsons, KS; Doc. No. 04–ACE–4'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6921. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Larned, KS; Doc. No. 04–ACE–8'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6922. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Neodesha, KS; Doc. No. 04–ACE–6'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6923. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Olive Branch, MS; Doc. No. 03–ASO–19'' (RIN2120–AA66) received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6924. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to foreign–policy based export controls; to the Committee on Commerce, Science, and Transportation.

EC–6925. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination from the Deputy Secretary, Department of Transportation, received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6926. A communication from the Deputy Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing of Marine Mammals; Taking of Marine Mammals Incidental to Rocket and Missile Launch Operations from Vandenberg Air Force Base (VAFB)'' received on March 29, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Charles C. Baldwin.

Air Force nomination of Col. Cecil R. Richardson.

Army nominations beginning Brigadier General James J. Bisson and ending Colonel Omer C. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2004.

Navy nomination of Capt. Elizabeth A. Hight.

Navy nomination of Rear Adm. (Ih) Nancy E. Brown.

Mr. WARNER. Mr. president, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Arthur R. Homer.

Air Force nomination of William R. Kent III.

Air Force nomination of Lori J. Fink.

Air Force nominations beginning Patricia K. Collins and ending Jeffrey E. Sherwood, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Air Force nominations beginning Christopher D. Boyer and ending Matthew E. Coombs, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Air Force nomination of Richard G. Hutchison.

Air Force nomination of Jeffery C. Sims.

Air Force nominations beginning Douglas R. Alfar and ending Fi A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2004.

Air Force nomination of Christine R. Gundel.

Air Force nominations beginning Boikai B. Braggs and ending Charles W. Fox, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2004.

Air Force nomination of David W. Puvogel.

Air Force nomination of Terrance J. Wohlfiel.

Army nominations beginning Dale A. Adams and ending Nicholas E. Zoeller, which nominations were received by the Senate and appeared in the Congressional Record on November 21, 2003.

Army nominations beginning Thomas M. Besch and ending Albert M. Zaccor, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Kenneth L. Alford and ending James R. Yonts, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Thomas E. Bailey and ending Daniel S. Zupan, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Eileen M. Ahearn and ending x4578, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nomination of Gary W. Stinnett.

Army nomination of James M. Ives.

Army nomination of Paul Swicord.

Army nomination of Stephen A. Bernstein.

Army nomination of James R. Hudson.

Army nomination of Gary J. Garay.

Army nomination of John W. Ervin.

Army nominations beginning Floyd T. Curry and ending Jeffrey B. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Army nominations beginning John E Armistead and ending Eugene R Woolridge, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2004.

Army nomination of Randall J. Vance.

Army nomination of Craig M. Doane.

Army nomination of Carol A. Cullinan.

Army nomination of Christopher B. Soltis.

Army nominations beginning Jeffrey A. Tong and ending Timothy M. Ward, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning James M. Gaudio and ending Beverly A. Herard, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Michael J. Harris and ending Robert L. Legg, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning David N. Aycock and ending David E. Lindberg, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations of Michael T. Lawhorn.

Army nominations beginning Derron A. Alves and ending Alisa R. Wilma, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations Joel R. Bachman and ending Sherry L. Womack, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Curtis J.*Aberle and ending Pamela M. *Wulf, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Gina M. *Agron and ending Jeffrey V. Zottola, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Bruce M. Frederickson and ending William A. Petty, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Navy nomination of David R. Agle.

Navy nominations beginning Hugh B Burke and ending Jeanine B Womble, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development.

By Mr. GRASSLEY for the Committee on Finance.

*Donald Korb, of Ohio, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2255. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office Building''; to the Committee on Governmental Affairs.

By Ms. CANTWELL:

S. 2256. A bill to amend part A of title IV of the Social Security Act to exempt preparation for high-skill, high-demand jobs from participation and time limits under the temporary assistance for needy families program; to the Committee on Finance .

By Mr. DURBIN (for himself, Mr. DAYTON, and Mr. LEVIN):

S. 2257. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. CHAMBLISS, Mr. ALLEN, Mr. GREGG, Ms. COLLINS, Ms. MURKOWSKI, Mr. WARNER, and Mr. THOMAS):

S. 2258. A bill to revise certain requirements for H-2B employers for fiscal year 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BENNETT, and Mr. CONRAD):

S. 2259. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2260. A bill to amend title XVIII of the Social Security Act to provide for fairness in the calculation of medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. BAUCUS, Mr. CHAFEE, Mr. DODD, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. SUNUNU):

S. 2261. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 243

At the request of Mr. ALLEN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 310

At the request of Mr. THOMAS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 985

At the request of Mr. DODD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1807

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1807, a bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes.

S. 1898

At the request of Mr. COLEMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1898, a bill to amend the Internal Revenue Code of 1986 to allow tax-payers to designate part or all of any income tax refund to support reservists and National Guard members.

S. 1902

At the request of Mr. REED, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1916

At the request of Ms. LANDRIEU, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 2099

At the request of Mr. MILLER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2146

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2146, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 2175

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2179

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2193

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2193, a bill to improve small business loan programs, and for other purposes.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Arkansas (Mr. PRYOR) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2236

At the request of Ms. CANTWELL, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2236, a bill to enhance the reliability of the electric system.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

AMENDMENT NO. 2937

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. CORZINE) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2937 proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

At the request of Mr. VOINOVICH, his name was added as a cosponsor of amendment No. 2937 proposed to H.R. 4, supra.

AMENDMENT NO. 2939

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2939 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2942

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2942 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2943

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2943 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. CHAMBLISS, Mr. ALLEN, Mr. GREGG, Ms. COLLINS, Ms. MURKOWSKI, Mr. WARNER, and Mr. THOMAS):

S. 2258. A bill to revise certain requirements for H–2B employers for fiscal year 2004, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Summer Operations and Services or ''SOS'' Relief and Reform Act, S. 2258.

Across our Nation, there are businesses, many of which are small, which look forward to the summer time each year as an opportunity to conduct their seasonal operations. From Utah to Alaska to New England and down to the Southern States, innkeepers, swimming pool operators, and fishermen rely on the income generated during the summer months to feed their families, employ their neighbors, and contribute to their local economies. Individually, these businesses may not be big operations, but collectively, they are an integral part of the American economy.

Because of the nature of our country's labor market, and perhaps because of the unattractiveness of seasonal versus permanent work, these operations have traditionally relied upon the H–2B visa program to bring needed workers from abroad. For those who may not understand the purpose for this program, let me explain it. An employer is only allowed to request an H–2B worker when no American worker is available for the same job. An employer is not allowed to pay lower wages to these foreign visa holders. Throughout our immigration history, the H–2B program has remained noncontroversial.

This year, perhaps as a sign of our economy's increasing vitality, the H–2B annual cap of 66,000 visas has already been reached. Meanwhile, small businesses across the country warn that if Congress does not make some sort of accommodation, they stand to suffer immeasurable losses. Failing to act would not only be detrimental to these small businessowners, many of whom simply cannot afford to lose an entire year's worth of profit, but would hurt the Americans whose jobs also depend on the stability of these businesses. The negative impact upon the hospitality and tourism sectors would be severe as well. In other words, unless we act quickly and give these seasonal operations the resources they need, we are facing a very bleak summer for many hard-working Americans and entrepreneurs.

That said, as much as I want to do all that I can to save this summer of seasonal work, I also want to make sure that in our haste, we do not establish unsound policy and set a bad precedent for the future. Many immigration reformists oppose increasing numbers in any immigration program. I oppose simply raising the numbers indiscriminately. Instead, what we need is a program that is tied to the realities of our economy and our job market. The reform I propose in ''SOS'' will bring us closer to this ultimate goal.

Specifically, S. 2258 does not raise the visa cap number. Instead, it exempts those who were admitted on an H–2B visa during the past 2 fiscal years from the cap for the remainder of this year. This is a good reform approach for several reasons: First, the number of actual workers admitted will be dictated by the strength of the economy, and not by a random number that resulted from political compromise. Second, it gives preferential treatment to those who have used the program before, and who have complied with the law and returned to their home countries at the end of the season. Third and finally, it would allow the Secretary of Homeland Security to delegate to the Secretary of Labor the specific as well as inherent authority to investigate fraudulent immigration and employment practices. No immigration reform can be complete without addressing that issue. Of course, this bill does not represent all of the reforms that are needed, but is it a step in the right direction, while providing immediate relief for our seasonal businesses.

I thank Chairman CHAMBLISS of the Judiciary Committee's Immigration Subcommittee for his valuable input and for being our lead cosponsor on this bill. I also want to thank the administration for its contribution and expertise in reforming the H–2B visa program in an administratively feasible manner. Finally, I would be remiss if I did not recognize the contribution made by the other original cosponsors, Senators ALLEN, GREGG, COLLINS, MURKOWSKI, WARNER, and THOMAS.

Let me conclude by emphasizing that without our immediate attention to this pressing problem, local economies will face substantial losses. Let us work together to prioritize the health of America's seasonal businesses, and safeguard the livelihood of all the people who depend on them. I ask my colleagues for their bipartisan cooperation in the timely passage of this bill.

By Mr. DORGAN (for himself, Mr. BENNETT, and Mr. CONRAD):

S. 2259. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, 15 years ago the U.S. Supreme Court, in a 5 to 4 decision, struck down a Texas flag protection statute. The Supreme Court ruled that burning an American flag was a form of ''speech,'' and therefore protected under the first amendment of the Constitution.

I disagreed with the Court's decisions then and I still do. I don't believe that the act of desecrating a flag is an act of speech. And I believe that our flag, as our national symbol, can and should be protected by law.

In the intervening years since the Supreme Court decision, I have supported Federal legislation that would make flag desecration illegal. Yet on several occasions, I have also voted against amendments to the Constitution to do the same.

I voted that way because, while I believe that flag desecration is despicable conduct that should be prohibited by law, I also believe that amending our Constitution is a step that should be taken only rarely, and then only as a last resort.

In the past year I have once again reviewed in detail nearly all of the legal opinions and written materials published by constitutional scholars and courts on all sides of this issue. After that review, I have concluded that there remains a way to protect our flag without having to alter the Constitution of the United States. So I am joining Senator BENNETT today to introduce bipartisan legislation that accomplishes that goal.

The bill we introduce today protects the flag but does so without altering the Constitution. A number of respected constitutional scholars tell us they believe this type of statute will be upheld by the U.S. Supreme Court.

This statute protects the flag by criminalizing flag desecration when its intended purpose is to incite violence.

I know that supporters of a constitutional amendment will be disappointed by my decision to support this statutory remedy to protect the flag, rather than support an amendment to the U.S. Constitution. I know they are impatient to correct a decision by the Supreme Court that they and I believe was wrong.

I have wrestled with this issue for a long time, and I wish I were not, with my decision, disappointing those, including many of my friends, who passionately believe that we must amend the Constitution to protect the flag. But, in the end, I know that our country will be better served reserving our attempts to alter the Constitution only for those things that are, in the words of James Madison, ''extraordinary occasion.''

More than 11,000 constitutional amendments have been proposed since our Constitution was ratified. However, since the ratification of the Bill of Rights in 1791 only 17 amendments have been enacted. These 17 include 3 reconstruction era amendments that abolished slavery and gave African Americans the right to vote.

The amendments included giving women the right to vote, limiting Presidents to two terms, and establishing an order of succession in case of a President's death or departure from office. The last time Congress considered and passed a new constitutional amendment was when it changed the voting age to 18, more than a quarter of a century ago. All of these matters were of such scope they required a constitutional amendment to be accomplished. They could not have been accomplished otherwise.

But protecting the American flag can be accomplished without amending the Constitution, and that is a critically important point.

The bill we are introducing today, on a bipartisan basis, outlaws three types of illegal flag desecration.

First, anyone who destroys or damages a U.S. flag with a clear intent to incite imminent violence or a breach of the peace may be punished by a fine of up to $100,000, or up to 1 year in jail, or both. Second, anyone who steals a flag that belongs to the United States and destroys or damages that flag may be fined up to $250,000 or imprisoned up to 2 years, or both. And third, anyone who steals a flag may also be fined up to $250,000 or imprisoned up to 2 years, or both.

Constitutional scholars, including those at the Congressional Research Service, the research arm of Congress, and Duke University's Professor William Alstyne, have concluded that this statute passes constitutional muster, because it recognizes that the same standard that already applies to other forms of speech applies to burning the flag as well.

This is the same standard which makes it illegal to falsely cry ''fire'' in a crowded theater. Reckless speech that is likely to cause violence is not protected under the ''fighting words'' standard, long recognized by the Supreme Court of the United States.

So we are offering this bipartisan legislation with the confidence that its passage would meaningfully and effectively protect our cherished flag.

I believe that future generations, and our Founding Fathers, would agree that it is worthwhile for us to find a way to protect our flag without altering the Constitution. And so I ask those colleagues who, like me, care deeply about both our flag and our Constitution, to support this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Flag Protection Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

''§ 700. Incitement; damage or destruction of property involving the flag of the united states

''(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

''(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

''(c) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(d) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.''

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

700. Incitement; damage or destruction of property involving the flag of the United States.''

By Mr. SANTORUM:

S. 2260. A bill to amend title XVIII of the Social Security Act to provide for fairness in the calculation of medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am introducing today the Medicare DSH payments for Puerto Rico Hospitals Fairness Act of 2004. This legislation seeks to provide fairness for Puerto Rico hospitals in their qualification for disproportionate share payments under the Medicare Program.

The primary purpose of the DSH program is to reimburse hospitals for the higher Medicare costs associated with treating low-income Medicare patients. Under current law, hospitals providing essential health care to low-income Medicare patients in Puerto Rico are effectively denied equitable reimbursement, because the law is being applied in such a way that a significant portion of the low-income population served by Puerto Rico hospitals is not allowed to count toward DSH calculations.

The legislation that I am introducing today would amend section 1886(d)(9)(D)(iii) of the Social Security Act to help ensure that Puerto Rico's low-income Medicare beneficiaries and hospitals that treat them have access to the same health care as the mainland.

I ask unanimous consent that the next of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare DSH Payments for Puerto Rico Hospitals Fairness Act of 2004''.

SEC. 2. CALCULATION OF MEDICARE DSH PAYMENTS FOR PPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

''(iii) Subparagraph (F) (relating to disproportionate share payments), except that for this purpose—

''(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

''(II) for discharges occurring on or after October 1, 2004, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of a subsection (d) Puerto Rico hospital's patient days for a cost reporting period that are made up of patients who (for such days) were entitled to benefits under part A of this title and were recipients of aid under the State plan approved under title XVI that provides for grants to States for aid to the aged, blind, or disabled.''.

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. BAUCUS, Mr. CHAFEE, Mr. DODD, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. SUNUNU):

S. 2261. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

Mr. DEWINE. Mr. President, today we have an opportunity to reach out to the least developed country in the Western Hemisphere—we have an opportunity to reach out to the island nation of Haiti.

I am pleased to join Senators GRAHAM of Florida, LUGAR, BAUCUS, CHAFEE, DODD, VOINOVICH, and NELSON of Florida in introducing the Haiti Economic Opportunity Act of 2004. I also would like to thank Representative SHAW, as well as our other House cosponsors, for their support of this bill.

Our bill would use trade incentives to encourage the post-Aristide government to make much needed reforms, while encouraging foreign direct investment—the most powerful, and yet underutilized, tool of development. The bill's provisions apply the least developed country provisions of the African Growth and Opportunity Act, AGOA, to Haiti—the least developed country in our Hemisphere.

Specifically, our bill would provide duty-free entry to apparel articles assembled in Haiti contingent upon Presidential certification that the new government is making significant political, economic, and social reforms. The bill also caps the amount of duty-free articles at 1.5 percent of the total amount of U.S. apparel imports, growing to 3.5 percent over 7 years. Currently, Haiti accounts for less than one-half of 1 percent of all U.S. apparel imports, and although these provisions seem modest by U.S. standards, in Haiti they are substantial.

The enactment of this legislation would promote employment in Haitian industry by allowing Haiti to become a garment production center again. Haiti has a labor advantage that makes it competitive compared to other countries in the region, and at one time several years ago over 100,000 people were employed in assembly jobs. Now, that number stands at just 30,000, and regional and global economic conditions are quickly converging to eliminate any chance of Haiti reestablishing a foothold in the garment production market.

Our window of opportunity to act expires at the end of the year, when quotas are phased out of the global market for textiles and apparel, and countries, such as China, are allowed to fully enter the market. In addition, Haiti has been largely left out of the Central American Free-Trade Agreement negotiations, gaining only small concessions for coproduction with the Dominican Republic. These concessions are necessary but far from sufficient for creating jobs.

I have traveled to Haiti 13 times, and there is no doubt that Haiti needs this opportunity. No other nation in our hemisphere is as impoverished. Today, at least 80 percent of all Haitians live in abject poverty, with at least 80 percent under- or unemployed. Per capita annual income is less than $400.

No other nation in our hemisphere has a higher rate of HIV/AIDS. Today, AIDS is the No. 1 cause of all adult deaths in Haiti, killing at least 30,000 Haitians annually and orphaning 200,000 children.

No other nation in our hemisphere has a higher infant mortality rate or a lower life expectancy rate.

And, no other nation in our hemisphere is as environmentally strapped. Haiti is an ecological disaster, with a 98-percent deforestation level and extreme topsoil erosion.

Despite this, U.S. assistance has reached its lowest level in over a decade. This needs to change. Haiti is in our backyard, inexorably linked to the United States by history, geography, humanitarian concerns, the illicit drug trade, and the ever-present possibility of waves of incoming refugees. Haiti's problems are our problems.

In an environment such as this, foreign assistance is not enough to create economic opportunities, promote development, and reverse these dire conditions. Economic development is the answer, bringing with it lower unemployment, increased infrastructure development, and spillover effects for the rest of Haiti's population.

This bill is not the ''silver bullet'' for Haiti, because there is no silver bullet. Rebuilding Haiti is going to require time, attention, and determination on the part of the people of Haiti, the countries in the region, and ultimately the entire international community. This bill would be a powerful indicator that Haiti has the support necessary to move forward. I encourage all of my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Haiti Economic Recovery Opportunity Act of 2004''.

SEC. 2. TRADE BENEFITS TO HAITI.

(a) IN GENERAL.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

''SEC. 213A. SPECIAL RULE FOR HAITI.

''(a) IN GENERAL.—In addition to any other preferential treatment under this Act, beginning on October 1, 2003, and in each of the 7 succeeding 1-year periods, apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from Haiti shall enter the United States free of duty, subject to the limitations described in subsections (b) and (c), if Haiti has satisfied the requirements set forth in subsection (d).

''(b) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this subsection are apparel articles that are wholly assembled or knit-to-shape in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns without regard to the country of origin of the fabrics, components, or yarns.

''(c) PREFERENTIAL TREATMENT.—The preferential treatment described in subsection (a), shall be extended—

''(1) during the 12-month period beginning on October 1, 2003, to a quantity of apparel articles that is equal to 1.5 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period beginning October 1, 2002; and

''(2) during the 12-month period beginning on October 1 of each succeeding year, to a quantity of apparel articles that is equal to the product of—

''(A) the percentage applicable during the previous 12-month period plus 0.5 percent (but not over 3.5 percent); and

''(B) the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period that ends on September 30 of that year.

''(d) ELIGIBILITY REQUIREMENTS.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

''(1) has established, or is making continual progress toward establishing—

''(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

''(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

''(C) the elimination of barriers to United States trade and investment, including by—

''(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

''(ii) the protection of intellectual property; and

''(iii) the resolution of bilateral trade and investment disputes;

''(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

''(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

''(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(2) does not engage in activities that undermine United States national security or foreign policy interests; and

''(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 2003.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption, of any goods described in the amendment made by subsection (a)—

(A) that was made on or after October 1, 2003, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

AMENDMENTS SUBMITTED & PROPOSED

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, supra.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2951. Mr. SMITH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, supra.

TEXT OF AMENDMENTS

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 212, strike line 12 and all that follows through page 213, line 6, and insert the following:

''(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY REASON OF PARTICIPATION IN EDUCATIONAL ACTIVITIES.—

''(i) IN GENERAL.—Except as provided in paragraph (1)(C)(ii)(I) and clause (ii), for purposes of subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are—

''(I) determined (without regard to individuals participating in a program established under section 404(l)) to be engaged in work for the month by reason of participation in vocational educational training (but only with respect to such training that does not exceed 12 months with respect to any individual); or

''(II) deemed to be engaged in work for the month by reason of subparagraph (C) of this paragraph.

''(ii) EXCEPTION FOR EDUCATION IN PREPARATION FOR SECTOR-SPECIFIC, HIGH-SKILL OCCUPATIONS TO MEET EMPLOYER DEMAND.—

''(I) IN GENERAL.—Notwithstanding clause (i) and subsection (d)(8), for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) with respect to an individual who is enrolled, in preparation for a sector-specific, high-skill occupation to meet employer demand (as defined in subclause (II)), in a postsecondary 2- or 4-year degree program or in vocational educational training—

''(aa) the State may count the number of hours per week that the individual attends such program or training for purposes of determining the number of hours for which a family is engaged in work for the month without regard to the 30 percent limitation under clause (i); and

''(bb) the individual shall be permitted to complete the requirements of the degree program or vocational educational training within the normal timeframe for full-time students seeking the particular degree or completing such vocational educational training.

''(II) SECTOR-SPECIFIC, HIGH-SKILL OCCUPATION TO MEET EMPLOYER DEMAND DEFINED.—In subclause (I), the term 'sector-specific, high-demand, high-skill occupation to meet employer demand' means an occupation—

''(aa) that has been identified by the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors or that has been defined by the State agency administering the State program funded under this part as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors and is consistent with high demand jobs identified in the State plan in accordance with section 402(a)(1)(A)(vi)(I);

''(bb) that requires occupational training; and

''(cc) that provides a wage of at least 75 percent of the State median hourly wage, as calculated by the Bureau of Labor Statistics on the basis of the most recent Occupational Employment and Wage Survey.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the ''Fair Minimum Wage Act of 2004''.

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

''(B) $6.45 an hour, beginning 12 months after that 60th day; and

''(C) $7.00 an hour, beginning 24 months after that 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of

enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DOMESTIC VIOLENCE PREVENTION GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall award grants to eligible entities to enable such entities to carry out domestic violence prevention activities. In carrying out this subsection, the Secretary shall make public the criteria to be used by the Secretary for awarding such grants.

(2) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be a State, Indian tribe, or nonprofit domestic violence prevention organization; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) ACTIVITIES.—An entity shall use amounts received under a grant awarded under this subsection to—

(A) develop and disseminate best practices for addressing domestic and sexual violence;

(B) implement voluntary skills programs on domestic violence as a barrier to economic security, including providing caseworker training, technical assistance, and voluntary services for victims of domestic violence;

(C) provide broad-based income support and supplementation strategies that provide increased assistance to low-income working adults, such as housing, transportation, and transitional benefits as a means to reduce domestic violence; or

(D) carry out programs to enhance relationship skills and financial management skills, to teach individuals how to control aggressive behavior, and to disseminate information on the causes of domestic violence and child abuse.

(4) MATCHING REQUIREMENT.—The Secretary may not award a grant to an entity under this subsection unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 25 percent of such costs ($1 for each $4 of Federal funds provided under the grant).

(5) REQUIRED CONSULTATION.—The Secretary may not award a grant to a State or an Indian tribe under this subsection unless such State or tribe agrees, in carrying out activities under the grant, to consult with National, State, local, or tribal organizations with demonstrated expertise in providing aid to victims of domestic violence.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $20,000,000 for each of fiscal years 2005 through 2009.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 355, between lines 3 and 4, insert the following:

SEC. ___. DETERMINATION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR ALASKA.

Section 706 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554 (42 U.S.C. 1396d note), is amended by striking ''only with respect to each of fiscal years 2001 through 2005,'' and inserting ''with respect to fiscal year 2001 and each fiscal year thereafter,''.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violence Against Children Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) People under the age of 18 make up approximately 12 percent of all crime victims known to police, including 71 percent of all sex crime victims and 38 percent of all kidnaping victims.

(2) People from the ages of 12 through 17 are over 2 times more likely to be victims of violent crime than adults.

(3) It has been estimated that only 28 percent of crimes against children are actually reported.

(4) Some 1,200 children die as a result of abuse each year, and approximately 879,000 children are victims of abuse.

(5) Child abuse has long-lasting negative effects upon children and families, including delayed development, depression, substance abuse, and increased likelihood of experiencing or perpetrating domestic violence as an adult.

(6) Most local agencies lack adequate resources to protect and serve the needs of children and families that are brought to their attention.

(7) Failure to pay child support is in itself a form of neglect, as children who do not receive financial support are more likely to live in poverty, and are therefore more likely to suffer from inadequate education, a lack of quality health care, and a lack of affordable housing.

TITLE I—ENHANCED FEDERAL ROLE IN CRIMES AGAINST CHILDREN

SEC. 101. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

''§ 2260A. Violence against children

''(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force willfully injures or attempts to injure any person under 18 years of age—

''(1) shall be imprisoned for not more than 10 years and fined in accordance with this title; and

''(2) shall be imprisoned for any term of years or for life, and fined in accordance with this title if—

''(A) death results from the offense; or

''(B) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstances described in this subsection are that—

''(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(A) across a State line or national border; or

''(B) using a channel, facility, or instrumentality of interstate or foreign commerce; or

''(2) in connection with the conduct described in subsection (a), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce.

''(c) PENALTIES.—An offense under this section shall also be subject to the penalties provided in section 1111 of this title (as amended by the PROTECT Act) if the offense is also an offense under that section.''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

''2260A. Violence against children.''.

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this Act and its purposes, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. 102. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating

to the investigation or prosecution of the crime.

TITLE II—GRANT PROGRAMS

SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement and child services agencies regarding the care, treatment, and services for child victims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections 301 and 302.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2004 through 2008.

SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational materials;

(5) intervention services to prevent crimes against children;

(6) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(7) emergency medical treatment for victims;

(8) counseling to victims of crimes against children and their families; and

(9) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 303.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2004 through 2008.

TITLE III—NATIONWIDE PROGRAMS

SEC. 301. NATIONWIDE AMBER ALERT.

Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 201 shall have in place a statewide AMBER Alert communications network for child abduction cases.

SEC. 302. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to section 201 shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 303. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section 202 shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically-trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursuant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. 304. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

(a) REPORT BY STATES.—Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

(b) GAO STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall report to Congress on State practices and policies under the child welfare program funded under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.). The report shall include the following:

(1) How States are maintaining records and verifying the well-being of the children under their care, including how well States are keeping track of where those children are.

(2) Whether and how the review system being undertaken by the Secretary of Health and Human Services is helping States to reform their child welfare system.

(3) The best practices being implemented by the States.

(4) Recommendations for legislative changes by Congress.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block

grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—FAIR TREATMENT AND DUE PROCESS PROTECTION

Subtitle A—Access to Translation Services and Language Education Programs

SEC. ___01. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 106(d), is amended by adding at the end the following:

''(14) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. ___02. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(6) (42 U.S.C. 607(c)(6)), as amended by section 109(f), is amended by adding at the end the following:

''(G) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

''(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

''(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

''(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

''(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

''(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section ___01(b), is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

Subtitle B—Sanctions and Due Process Protections

SEC. ___21. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section ___01(a), is amended by adding at the end the following:

''(13) SANCTION PROCEDURES.—

''(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

''(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

''(I) The specific reason for the proposed sanction.

''(II) The amount of the proposed sanction.

''(III) The length of time during which the proposed sanction would be in effect.

''(IV) The steps required to come into compliance or to show good cause for noncompliance.

''(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

''(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

''(ii)(I) Ensure that, subject to clause (iii)—

''(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

''(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

''(II) An individual to which this subclause applies may—

''(aa) modify the determination to impose a sanction;

''(bb) determine that there was good cause for the individual or family's failure to comply;

''(cc) recommend modifications to the individual's individual responsibility or employment plan; and

''(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

''(iii) The review required under clause (ii) shall include consideration of the following:

''(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

''(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

''(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

''(IV) Whether the individual or family has good cause for any noncompliance.

''(V) Whether the State's sanction policies have been applied properly.

''(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

''(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual's or family's native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

''(ii) resume the individual's or family's full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

''(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section ___02(b), is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(ii) (42 U.S.C. 602(a)(1)(B)(ii)), as redesignated by section 101(a)(1)(B)(ii), is amended by inserting '', and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program'' before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND

OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

''(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

''(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

''(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

''(ii) to all such recipients on a semiannual basis; and

''(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

''(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.''.

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

''(17) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

Subtitle C—Data Collection and Reporting Requirements

SEC. ___31. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 112(a), is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''(except for information relating to activities carried out under section 403(a)(5))'' and inserting '', and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible'';

(B) by striking clause (v) and inserting the following:

''(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.'';

(C) in clause (vii), by striking ''and educational level'' and inserting '', educational level, and primary language'';

(D) in clause (viii), by striking ''and educational level'' and inserting '', educational level, and primary language''; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting '', including, to the extent such information is available, information on the specific type of job, or education or training program'' before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

''(B) INFORMATION REGARDING APPLICANTS.—

''(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

''(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.''.

SEC. ___32. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section ___31, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section ___31) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section ___31) the following:

''(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

''(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

''(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

''(II) The medical or health problems of a recipient.

''(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

''(IV) Changes in eligibility status.

''(V) Other administrative reasons.

''(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

''(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

''(I) list the case closure reasons developed under clause (i);

''(II) require States, not later than October 1, 2006, to use such reasons in accordance with subparagraph (A)(xvi); and

''(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

''(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.''.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)), as so amended, is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking ''or'' at the end;

(B) in subclause (V), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.'';

(2) by redesignating clauses (xvii) through (xx), as clauses (xviii) through (xxi), respectively; and

(3) by inserting after clause (xvi), the following:

''(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.''.

SEC. ___33. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) IN GENERAL.—Section 413 (42 U.S.C. 613), as amended by section 101(e) is amended by striking subsection (d) and inserting the following:

''(d) LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.—

''(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a Statewide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(2) REQUIREMENTS.—The studies conducted under this subsection shall—

''(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

''(B) collect information on—

''(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

''(ii) family income (including earnings, unemployment compensation, and child support);

''(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

''(iv) the reasons for leaving or returning to needs-based assistance programs;

''(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

''(vi) sanction status (including reasons for sanction);

''(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

''(viii) recipient views regarding program participation; and

''(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

''(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

''(4) REPORTS.—

''(A) INTERIM REPORTS.—Not later than October 1, 2007, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

''(B) SUBSEQUENT REPORTS.—Not later than October 1, 2009, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.''.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(e) (42 U.S.C. 611(e)), as redesignated by section 112(e)(1) and amended by section 112(f), is amended—

(A) in paragraph (2)—

(i) by inserting ''(including types of sanctions or other grant reductions)'' after ''financial characteristics''; and

(ii) by inserting '', disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed'' before the semicolon;

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families' income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.''.

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)), as amended by section 112, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

''(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.''.

SEC. ___34. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 (42 U.S.C. 611), as amended by section 112(e), is amended by adding at the end the following:

''(e) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.''.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—PREVENTING VIOLENCE AGAINST CHILDREN

Subtitle A—Enhanced Federal Role in Crimes Against Children

SEC. ___01. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

''§ 2260A. Violence against children

''(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force willfully injures or attempts to injure any person under 18 years of age—

''(1) shall be imprisoned for not more than 10 years and fined in accordance with this title; and

''(2) shall be imprisoned for any term of years or for life, and fined in accordance with this title if—

''(A) death results from the offense; or

''(B) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(b) CIRCUMSTANCES.—For purposes of subsection (a), the circumstances described in this subsection are that—

''(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(A) across a State line or national border; or

''(B) using a channel, facility, or instrumentality of interstate or foreign commerce; or

''(2) in connection with the conduct described in subsection (a), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce.

''(c) PENALTIES.—An offense under this section shall also be subject to the penalties provided in section 1111 of this title (as amended by the PROTECT Act) if the offense is also an offense under that section.''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

''2260A. Violence against children.''.

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this Act and its purposes, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. ___02. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

Subtitle B—Grant Programs

SEC. ___11. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement

and child services agencies regarding the care, treatment, and services for child victims; and

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections ___21 and ___22.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2004 through 2008.

SEC. ___12. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational materials;

(5) intervention services to prevent crimes against children;

(6) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(7) emergency medical treatment for victims;

(8) counseling to victims of crimes against children and their families; and

(9) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section ___23.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2004 through 2008.

Subtitle C—Nationwide Programs

SEC. ___21. NATIONWIDE AMBER ALERT.

Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section ___11 shall have in place a statewide AMBER Alert communications network for child abduction cases.

SEC. ___22. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to section ___11 shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. ___23. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to section ___12 shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically-trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursuant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. ___24. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

(a) REPORT BY STATES.—Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

(b) GAO STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall report to Congress on State practices and policies under the child welfare program funded under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.). The report shall include the following:

(1) How States are maintaining records and verifying the well-being of the children under their care, including how well States are keeping track of where those children are.

(2) Whether and how the review system being undertaken by the Secretary of Health and Human Services is helping States to reform their child welfare system.

(3) The best practices being implemented by the States.

(4) Recommendations for legislative changes by Congress.

SA 2951. Mr. SMITH (for himself, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill insert the following:

Title ___—LOCAL LAW ENFORCEMENT ENHANCEMENT ACT.

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Local Law Enforcement Enhancement Act of 2004''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. ___03. DEFINITION OF HATE CRIME.

In this title, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. ___04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2005, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 and 2006.

SEC. ___05. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. ___06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2005, 2006, and 2007 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section ___07.

SEC. ___07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title; and

''(2) the term 'firearm' has the meaning given the term in section 921(a) of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. ___08. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. ___09. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender,'' after ''race,''.

SEC. ___10. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 297, strike lines 13 through 15, and insert the following:

(d) STATE FLEXIBILITY.—Section 510(b) (42 U.S.C. 710(b)) is amended—

(1) in paragraph (1), by striking ''and at the option of the State, where appropriate,'' and inserting ''as defined in subparagraph (A) or (B) of paragraph (2), at the option of the State, and,''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''an'' and inserting ''a medically and scientifically accurate'';

(B) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively and realigning the left margins of such clauses accordingly;

(C) by inserting ''(A)'' after ''(2)'';

(D) in clause (viii) of subparagraph (A) (as redesignated by subparagraph (B) and amended by subparagraph (C)), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) promotes abstinence and educates those who are currently sexually active or at risk of sexual activity about additional methods to reduce unintended pregnancy or other health risks.''.

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services shall, in consultation with an advisory panel of researchers identified by the Board on Children, Youth, and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement, which assesses the relative efficacy of 2 approaches to abstinence education for adolescents. The study shall—

(A) be designed to enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception and means of preventing the transmission of HIV and sexually-transmitted diseases; and

(B) measure key outcomes, including behaviors that put teens at risk for unintended pregnancy and childbearing and for HIV and other sexually transmitted diseases, such as sexual activity, contraceptive use, condom use and patterns of sexual relationships.

(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, the Secretary of Health and Human Services shall submit a report to Congress that contains the results of the study conducted under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for the period of fiscal years 2005 through 2009.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to the program under section 510 for fiscal years 2005 and succeeding fiscal years.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) AT HOME INFANT CARE.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is further amended by adding at the end the following:

''(m) DEMONSTRATION PROJECTS FOR AT HOME INFANT CARE.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to not less than 5 and not more than 10 States to enable such States to carry out demonstration projects to provide at-home infant care benefits to eligible low-income families.

''(B) INDIAN TRIBES.—An Indian tribe may submit an application for a grant under this subsection. If awarded a grant, the Indian tribe shall conduct a demonstration project to provide at-home infant care benefits to eligible low-income families in the same manner, and to the same extent as a State, except that the Secretary may modify the requirements of this subsection as appropriate with respect to the Indian tribe. For purposes of subparagraph (A), any grant awarded to an Indian tribe shall not count toward the number of grants awarded to States.

''(2) FAMILY ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to participate in a program of at-home infant care under a demonstration project established under paragraph (1), a family shall—

''(i) have an income that does not exceed the limits specified in section 658P(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(3)(B));

''(ii) include a child under the age of 2;

''(iii) include a parent (as defined in section 658P(8) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(8))), who meets the State's requirements for having had a recent work history prior to application for at-home infant care benefits; and

''(iv) meet such other eligibility requirements as the State may establish.

''(B) 2-PARENT FAMILIES.—A State selected to participate in a demonstration project of at-home infant care under this section shall permit 2-parent families to participate in the project but may not limit participation in the project to such families.

''(3) AMOUNT OF ASSISTANCE.—The amount of at-home infant care benefits provided to an eligible family under this subsection for a month of benefit receipt shall not exceed the payment rate applicable to eligible child care providers for infant care under the State's payment rate schedule, according to the provisions of section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)).

''(4) SUBMISSION OF APPLICATIONS.—An eligible low-income parent may submit an application for at-home infant care benefits under a demonstration project established under this subsection at any time prior to the date on which the child attains age 2.

''(5) REQUIRED CERTIFICATIONS.—A State selected to participate in a demonstration project of at-home infant care under this section shall provide certifications to the Secretary that—

''(A) during the period of the demonstration project, the State shall not reduce expenditures for child care services below the levels in effect in the fiscal year preceding the fiscal year in which the State begins to participate in the project;

''(B) the State, in operating the demonstration project, shall not give priority or preference to parents seeking to participate in the program of At-Home Infant Care over

other eligible parents on a waiting list for child care assistance in the State;

''(C) the State shall—

''(i) provide parents applying to receive at-home infant care benefits with information on the range of options for child care available to the parents;

''(ii) ensure that approved applicants for at-home infant care are permitted to choose between receipt of at-home infant care benefits and receipt of a certificate that may be used with an eligible child care provider for child care needed for employment; and

''(iii) provide that a family receiving an at-home infant care benefit may exchange the benefit for a child care voucher for employment at any time during the family's participation in the program;

''(D) the State shall develop or update and implement a plan to improve the quality of infant care, and shall use up to 10 percent of the funds received under the demonstration project for efforts to improve the quality of infant care in the State;

''(E) the State shall ensure that voluntary employment services are offered to program participants after the completion of participation in the program to assist the participants in returning to unsubsidized employment; and

''(F) the State shall cooperate with information collection and evaluation activity conducted by the Secretary.

''(6) TANF ASSISTANCE.—The receipt of an at-home infant care benefit funded under this subsection shall not be considered assistance under the State program funded under this part for any purpose.

''(7) BENEFIT NOT TREATED AS INCOME.—Notwithstanding any other provision of law, the value of an at-home infant care benefit funded under this subsection shall not be treated as income for purposes of any Federal or federally-assisted program that bases eligibility, or the amount of benefits or services provided, on need.

''(8) APPLICATION FOR PARTICIPATION AND SELECTION OF STATES.—

''(A) APPLICATIONS.—Not later than 90 days after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, the Secretary shall publish a notice of opportunity to participate, specifying the contents of an application for participation in the At-Home Infant Care demonstration project funded under this subsection. The notice shall include a timeframe for States to submit an application to participate, and shall provide that all such applications are to be submitted not later than 270 days after such date of enactment.

''(B) SELECTION.—

''(i) IN GENERAL.—The Secretary shall review the applications and select the participating States not later than 1 year after such date of enactment.

''(ii) CRITERIA.—In selecting States to participate in the demonstration project funded under this subsection, the Secretary shall—

''(I) seek to ensure geographic diversity; and

''(II) give priority to States—

''(aa) whose applications demonstrate a strong commitment to improving the quality of infant care and the choice available to parents of infants;

''(bb) with experience relevant to the operation of at-home infant care programs; and

''(cc) in which there are demonstrable shortages of infant care.

''(9) EVALUATION AND REPORT TO CONGRESS.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of the demonstration projects conducted under this subsection and submit a report to Congress on such evaluation not later than 4 years after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act.

''(B) REQUIREMENTS.—The evaluation required under this paragraph shall expressly address the following:

''(i) Implementation experiences of the States participating in the project in developing and operating programs of at-home infant care, including design issues and issues in coordinating at-home infant care benefits with benefits provided or funded under the Child Care and Development Block Grant in the State.

''(ii) The characteristics of families seeking to participate and participating in the programs of at-home infant care funded under this subsection.

''(iii) The length of participation by families in such programs and the reasons for the families ceasing to participate in the programs.

''(iv) The prior and subsequent employment of participating families and the effect of program participation on subsequent employment participation of the families.

''(v) The costs and benefits of the programs of at-home infant care.

''(vi) The effectiveness of State or tribal efforts to improve the quality of infant care during the period in which the demonstration project is conducted in the State.

''(C) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (10) for a fiscal year, $750,000 shall be reserved with respect to each such fiscal year for purposes of conducting the evaluation required under this paragraph.

''(10) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to carry out this subsection, $30,000,000 for each of fiscal years 2005 through 2009.''.

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act of 2004''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2004.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $4,913,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Find, of which—

(A) $70,000,000 shall be available to analyze port security plans prepared in compliance with chapter 701 of title 46, United States Code;

(B) $100,000,000 shall be available for increased operating expenses due to heightened security efforts; and

(C) $36,000,000 may be available for use in commissioning 3 additional Marine Safety and Security Teams.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,017,000,000 (of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended, of which

(A) $702,000,000 shall be available for the Coast Guard's integrated deepwater system;

(B) $134,000,000 shall be available for the Coast Guard's ''Rescue 21'' program; and

(C) $40,000,000 shall be available for the Automatic Identification System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay, (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $16,000,000, to remain available until expended; and

(B) $2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(7) For reserve training, $95,000,000.

(b) FISCAL YEAR 2005.—There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2005 the following amounts.

(1) For the operation and maintenance of the Coast Guard, $5,404,300,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,068,000,000 (of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended, of which—

(A) $708,000,000 shall be available for the Coast Guard's Integrated Deepwater System; and

(B) $161,000,000 shall be available for the Coast Guard's Rescue 21 program.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,200,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,122,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $18,700,000, to remain available until expended.

(G) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $17,850,000, to remain available until expended; and

(B) $2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(7) For reserve training $104,500,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2004.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2004.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2004.—For fiscal year 2004, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following:

''§ 374. Critical skill training bonus

''(a) The Secretary may provide a bonus, not to exceed $20,000, to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

''(b) If an enlisted member voluntarily or because of misconduct does not complete his or her term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary shall charge interest on the reimbursed amount at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the preceding calendar quarter.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 373 the following:

''374. Critical skill training bonus.''.

SEC. 202. AMEND LIMITS TO THE NUMBER OF COMMANDERS AND LIEUTENANT COMMANDERS.

Section 42 of title 14, United States Code, is amended—

(1) by striking ''The'' in subsection (a) and inserting ''Except in time of war or national emergency declared by Congress or the President, the'',

(2) by striking ''6,200.'' in subsection (a) and inserting ''7,100. In time of war or national emergency, the Secretary shall establish the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard.''; and

(3) by striking ''commander 12.0; lieutenant commander 18.0.'' in subsection (b) and inserting ''commander 15.0; lieutenant commander 22.0.''.

SEC. 203. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) DEFINITIONS.—Section 680 of title 14, United States Code, is amended by adding at the end the following:

''(5) The term 'eligible entity' means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.''.

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 682 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 682. Direct loans and loan guarantees'';

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b), as redesignated, the following:

''(a) DIRECT LOANS.—

''(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.'';

(4) by striking ''subsection (b),'' in subsection (b), as redesignated, and inserting ''subsection (c),''; and

(5) by striking the subsection heading for subsection (c), as redesignated, and inserting ''(c) DIRECT LOANS AND LOAN GUARANTEES.—''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by striking the item related to section 682 and inserting the following:

''682. Direct loans and loan guarantees.''.

SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at the end the following:

''(d) Subject to the approval of the Commandant:

''(1) The Coast Guard Auxiliary and each organizational element and unit (whether or not incorporated), shall have the power to acquire, own, hold, lease, encumber, mortgage, transfer, and dispose of personal property for the purposes set forth in section 822. Personal property owned by the Auxiliary or an Auxiliary unit, or any element thereof, whether or not incorporated, shall at all

times be deemed to be property of the United States for the purposes of the statutes described in paragraphs (1) through (6) of subsection (b) while such property is being used by or made exclusively available to the Auxiliary as provided in section 822.

''(2) Personal property owned by the Auxiliary or an Auxiliary unit or any element or unit thereof, shall not be considered property of the United States for any other purpose or under any other provision of law except as provided in sections 821 through 832 and section 641 of this title. The necessary expenses of operation, maintenance and repair or replacement of such property may be reimbursed using appropriated funds.

''(3) For purposes of this subsection, personal property includes, but is not limited to, motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment.''.

SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.

Section 821(a) of title 14, United States Code, is amended by inserting ''The Auxiliary and each organizational element and unit shall be deemed to be instrumentalities and political subdivisions of the United States for taxation purposes and for those exemptions as provided under section 107 of title 4.'' after the second sentence.

SEC. 206. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended—

(1) by striking ''sixty-two years of age.'' in subsection (a) and inserting ''sixty years of age unless on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

''(b) A Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall, if qualified, be retired effective upon the day the officer becomes sixty-two years of age. If not qualified for retirement, a Reserve officer on active duty, other than for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status, shall be discharged effective upon the day the officer becomes sixty-two years of age.'';

(3) by striking ''sixty-four'' in subsection (c), as redesignated, and inserting ''sixty'';

(4) by striking ''subsections (a) and (b),'' in subsection (d), as redesignated, and inserting ''subsections (a), (b), and (c),''; and

(5) by striking ''sixty-two'' in subsection (d), as redesignated, and inserting ''sixty''.

SEC. 207. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, is amended by striking ''terms of full years not exceeding six years.'' and inserting ''a period of at least 2 years but not more than 6 years.''.

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

The second sentence of section 727 of title 14, United States Code, is amended by striking ''three years'' and inserting ''1 year's''.

SEC. 209. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§ 152. Nonappropriated fund instrumentalities; contracts with other agencies and instrumentalities to provide or obtain goods and services

''The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality thereof to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by inserting after the item relating to section 151 the following:

''152. Nonappropriated fund instrumentalities; contracts with other agencies and instrumentalities to provide or obtain goods and services''.

SEC. 210. TRAVEL CARD MANAGEMENT.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''517. Travel card management

''(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

''(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 516 the following:

''517. Travel card management''.

SEC. 211. USE OF MILITARY CHILD DEVELOPMENT CENTERS AND OTHER PROGRAMS.

The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces with or without reimbursement in military child development centers and other programs supported in whole or in part with appropriated funds. For purposes of military child development centers and other programs operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a Coast Guard member shall be considered the same as the child of a member of any of the other armed forces.

TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND ENVIRONMENTAL PROTECTION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended—

(1) by striking ''day and a lighted lantern'' in the second sentence inserting ''day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light''; and

(2) by adding at the end ''The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light would be impractical and granting such a waiver would not create an undue hazard to navigation.''.

SEC. 302. PROHIBITION ON OPERATION OF CERTAIN ELECTRONIC DEVICES; PORTS AND WATERWAYS PARTNERSHIPS AND COOPERATIVE VENTURES.

Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223), is amended—

(1) by striking ''and'' after the semicolon in subsection (a) (4)(D);

(2) by striking ''environment.'' in subsection (a)(5) and inserting ''environment;'';

(3) by adding at the end of subsection (a) the following:

''(6) may prohibit the use of electronic or other devices that interfere with communications and navigation equipment;

''(7) may carry out the functions under paragraph (1) of this subsection, at the Secretary's discretion and on such terms and conditions as the Secretary deems appropriate, either solely, or in cooperation with a public or private agency, authority, association, institution, corporation, organization or person, except that a non-governmental entity may not carry out an inherently governmental function; and

''(8) may, for the purpose of carrying out the Secretary's functions under paragraph (1) of this subsection, convey or lease real property under the administrative control of the Coast Guard to public or private agencies, authorities, associations, institutions, corporations, organizations, or persons for such consideration and upon such terms and conditions as the Secretary considers appropriate, except that the term of any such lease shall not exceed 20 years.''; and

(4) by adding at the end the following:

''(e) SPECIAL PROVISIONS RELATING TO SUBSECTION (a)(7) and (8).—

''(1) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—For purposes of subsection (a)(7), the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

''(2) DISPOSITION OF PROCEEDS FROM CONVEYANCES AND LEASES.—Amounts collected under subsection (a)(7) shall be credited to a special fund in the Treasury and ascribed to the Coast Guard. The amounts collected shall be available to the Coast Guard's 'Operating Expenses' account without further appropriation and without fiscal year limitation, and the amounts appropriated from the general fund for that account shall be reduced by the amounts so collected.

''(3) NONAPPLICATION OF CERTAIN ACTS.—A conveyance or lease of real property under subsection (a)(8) is not subject to subtitle I of title 40, United States Code, or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).''.

SEC. 303. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking ''owners and masters'' and inserting ''owners, masters, and charterers''.

SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA IN SUSPENSION AND REVOCATION CASES.

Section 7702(d)(1) of title 46, United States Code, is amended—

(1) by striking ''if, when acting under the authority of that license, certificate, or document—'' and inserting ''if—'';

(2) by striking ''has'' in subparagraph (B)(i) and inserting ''has, while acting under the authority of that license, certificate, or document,'';

(3) by striking ''or'' at the end of subparagraph (B)(ii);

(4) by striking ''1982.'' in subparagraph (B)(iii) and inserting ''1982; or''; and

(5) by adding at the end of subparagraph (B) the following:

''(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 305. REVISION OF BASES FOR SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking ''incompetence, misconduct, or negligence;'' in paragraph (1)(B) and insert ''misconduct or negligence;'';

(2) by striking ''or'' after the semicolon in paragraph (2);

(3) by striking ''note).'' in paragraph (3) and inserting ''note);''; and

(4) by adding at the end the following:

''(4) has committed an act of incompetence relating to the operation of a vessel, whether or not acting under the authority of that license, certificate, or document; or

''(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION & REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting ''suspended or'' after ''shall be''.

SEC. 307. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) Section 12110(d) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

(b) Section 12122(b)(6) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C. 495) is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(b) Section 5(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499), is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(c) Section 18(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', enacted March 3, 1899 (33 U.S.C. 502) is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(d) Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533) is amended by striking ''$1,000.'' and inserting ''25,000.''.

SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting ''(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.'';

(2) by striking ''4307(a)(1),'' in the second sentence of subsection (b) and inserting ''4307(a),'':

(3) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively;

(4) by adding at the end of subsection (b) the following:

''(2) Any person, including, a director, officer, or executive employee of a corporation, who knowingly and willfully violates section 4307(a) of this title, shall be fined not more than $10,000, imprisoned for not more than one year, or both.''; and

(5) by striking ''$1,000.'' in subsection (c) and inserting ''$5,000.''.

SEC. 311. CORRECTION TO DEFINITION OF FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107–173, is amended by striking subparagraph (G) and inserting the following:

''(G) The United States Coast Guard.''.

SEC. 312. STOPPING VESSELS; IMMUNITY FOR FIRING AT OR INTO VESSEL.

(a) IN GENERAL.—Section 637 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal, fire at or into the vessel which does not stop; except that the prior use of the warning signal is not required if its use would unreasonably endanger persons or property in the vicinity of the vessel.'';

(2) by inserting ''or'' after the semicolon in subsection (c)(1);

(3) by striking paragraphs (2) and (3) of subsection (c) and inserting the following:

''(2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10.''; and

(4) by striking subsection (d).

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the location, vessels or aircraft, circumstances, and consequences of each incident in the 12-month period covered by the report in which the person in command or in charge of an authorized vessel or an authorized aircraft (as those terms are used in section 637 of title 14, United States Code) fired at or into a vessel without prior use of the warning signal as authorized by that section.

SEC. 313. USE OF UNEXPENDED FUNDS FOR BRIDGE ALTERATIONS UNDER TRUMAN-HOBBS ACT.

Section 8 of the Act of June 21, 1940 (33 U.S.C. 518) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There''; and

(2) by adding at the end the following:

''(b) UNEXTENDED FUNDS.—In addition to other uses permitted by law, upon completion of a bridge alteration project, unexpended funds previously appropriated or otherwise available for the completed project may be used to pay the Federal share of the design and construction costs for other bridge alteration projects authorized under this Act.''.

SEC. 314. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) REPEAL.—Section 2 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001) is repealed.

(b) INLAND NAVIGATION RULES.—Section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2002) is amended to read as follows:

''SEC. 3. INLAND NAVIGATION RULES.

''The Secretary may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.''.

SEC. 315. PREVENTION OF DEPARTURE.

Section 3505 of title 46, United States Code, is amended to read as follows:

''§ 3505. Prevention of departure

''Notwithstanding section 3303(a) of this title, a, foreign vessel carrying a citizen of the United States as a passenger or embarking passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.''.

SEC. 316. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) APPLICATION OF EXISTING LAW.—Section 3202(a) of title 46, United States Code, is amended to read as follows:

''(a) MANDATORY APPLICATION.—This chapter applies to a vessel that—

''(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

''(B) is of at least 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, that is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

''(2)(A) is engaged on a foreign voyage; or

''(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.''.

(b) COMPLIANCE OF REGULATIONS WITH INTERNATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b) of title 46, United States Code, is amended by striking ''vessels engaged on a foreign voyage.'' and inserting ''vessels to which this chapter applies.''.

SEC. 317. AMENDMENTS TO VESSEL RESPONSE PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) by striking the caption of paragraph (5) and inserting ''(5) TANK VESSEL, NON-TANK VESSEL, AND FACILITY RESPONSE PLANS.—'';

(2) by adding at the end of paragraph (5)(A) ''The President shall also issue regulations which require an owner or operator of a non-tank vessel described in subparagraph (C) to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.'';

(3) by striking ''vessels and'' in paragraph (5)(B) and inserting ''vessels, non-tank vessels, and'';

(4) by redesignating clauses (ii) and (iii) of paragraph (5)(B) as clauses (iii) and (iv), respectively, and inserting after clause (1) the following:

''(ii) A non-tank vessel.'';

(5) by striking ''vessel or'' in paragraph (5)(D) and inserting ''vessel, a non-tank vessel, or an'';

(6) by inserting ''non-tank vessel,'' in paragraph (5)(E) after ''vessel,'' each place it appears;

(7) by inserting ''non-tank vessel,'' in paragraph (5)(F) after ''vessel,'';

(8) by striking ''vessel or'' in paragraph (5)(F) and inserting ''vessel, non-tank vessel, or'';

(9) by inserting ''non-tank vessel,'' in paragraph (5)(G) after ''vessel,'';

(10) by inserting ''and non-tank vessel'' in paragraph (5)(H) after ''cash tank vessel'';

(11) by striking ''Not later than 2 years after the date of enactment of this section, the President shall require—'' in paragraph (6) and inserting ''The President shall require—'';

(12) by striking ''cargo'' in paragraph (6)(B) and inserting ''cargo, and non-tank vessels carrying oil of any kind as fuel for main propulsion,''; and

(13) by striking ''vessel and'' in paragraph (7) and inserting ''vessel, non-tank vessel, and'' in paragraph (7).

(b) NON-TANK VESSEL DEFINED.—Section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) by striking ''and'' after the semicolon in paragraph (24)(B);

(2) by striking ''threat.'' in paragraph (25) and inserting ''threat; and''; and

(3) by adding at the end the following:

''(26) 'non-tank vessel' means a self-propelled vessel of 400 gross tons or greater, other than a tank vessel, which carries oil of any kind as fuel for main propulsion and that—

''(A) is a vessel of the United States; or

''(B) operates on the navigable waters of the United States.''.

(c) ADDITION OF NOXIOUS LIQUID SUBSTANCES TO THE LIST OF HAZARDOUS SUBSTANCES FOR WHICH THE COAST GUARD MAY REQUIRE A RESPONSE PLAN.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) is further amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(2) by inserting after subparagraph (A) the following:

''(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a vessel carrying in bulk noxious liquid substances, or a facility described in subparagraph (C) to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance. For purposes of this paragraph, the term 'noxious liquid substance' has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)), and the term 'carrying in bulk' means loading or carrying on board a vessel without the benefit of containers or labels and received and handled by carrier without mark or count.'';

(3) by striking ''subparagraph (B)'' in subparagraph (A) and inserting ''subparagraph (C)'';

(4) by striking ''subparagraph (A)'' in subparagraph (C), as redesignated, and inserting ''subparagraphs (A) and (B)'';

(5) by striking ''subparagraph (D),'' in clause (1) of subparagraph (F), as redesignated, and inserting ''subparagraph (E),''; and

(6) by striking subparagraph (G), as redesignated, and inserting the following:

''(G) Notwithstanding subparagraph (F), the President may authorize a tank vessel, non-tank vessel, offshore facility, or onshore facility that handles, stores, or transports oil to operate without a response plan approved under this paragraph, until not later than 2 years after the date of the submission to the President of a plan for the tank vessel, non-tank vessel, or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the President the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.''.

SEC. 318. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(1) by striking ''shall'' each place it appears and inserting ''may''; and

(2) by adding at the end the following:

''(c) STUDY.—

''(1) The Secretary of the Department in which the Coast Guard is operating shall conduct a study analyzing the costs and benefits of methods other than those described in subsections (a) and (b) for effectively detecting the loss of oil from oil cargo tanks. The study may include technologies, monitoring procedures, and other methods.

''(2) In conducting the study, the Secretary may seek input from Federal agencies, industry, and other entities.

''(3) The Secretary shall provide the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 180 days after the date of enactment of this Act.''.

SEC. 319. REPORT ON IMPLEMENTATION OF THE OIL POLLUTION ACT.

(a) IN GENERAL.—No later than 180 days of enactment of this Act, the Coast Guard shall provide a written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with respect to issues related to implementation of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(b) SCOPE.—The report shall include the following:

(1) The status of the levels of funds currently in the Oil Spill Liability Trust Fund and projections for levels of funds over the next 5 years.

(2) The domestic and international implications of changing the phase-out date for single hull vessels pursuant to section 3703a of title 46, United States Code, from 2015 to 2010.

(3) The costs and benefits of requiring vessel monitoring systems on tank vessels used to transport oil or other hazardous cargo, and from using additional aids to navigation, such as RACONs.

(4) A summary of the extent to which the response costs and damages for oil spill incidents have exceeded the liability limits established in section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), and a description of the steps that the Coast Guard has taken or plans to take to implement subsection (d)(4) of that Act (33 U.S.C. 2704(d)(4)).

(5) A summary of manning, inspection, and other safety issues for tank barges and towing vessels used in connection with them, including—

(A) a description of applicable Federal regulations, guidelines, and other policies;

(B) a record of infractions of applicable requirements described in subparagraph (A) over the past 10 years;

(C) an analysis of oil spill data over the past 10 years, comparing the number and size of oil spills from tank barges with those from tanker vessels of a similar size; and

(D) recommendations on areas of possible improvements to existing regulations, guidelines and policies with respect to tank barges and towing vessels.

SEC. 320. LOANS FOR FISHERMEN IMPACTED BY OIL SPILLS.

(a) INTEREST; PARTIAL PAYMENT OF CLAIMS.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by adding at the end the following:

''(f) LOAN PROGRAM.—

''(1) IN GENERAL.—The President shall establish a loan program under the Fund to provide interim assistance to fishermen and aquaculture producer claimants during the claims procedure.

''(2) ELIGIBILITY FOR LOAN.—A loan may be made under paragraph (1) only to a fisherman or aquaculture producer that—

''(A) has incurred damages for which claims are authorized under section 1002;

''(B) has made a claim pursuant to this section that is pending; and

''(C) has not received an interim payment under section 1005(a) for the amount of the claim, or part thereof, that is pending.

''(3) TERMS AND CONDITIONS OF LOANS.—A loan awarded under paragraph (1)—

''(A) shall have flexible terms, as determined by the President;

''(B) shall be for a period ending on the later of—

''(i) the date that is 5 years after the date on which the loan is made; or

''(ii) the date on which the fisherman or aquaculture producer receives payment for the claim to which the loan relates under the procedure established by subsections (a) through (e) of this section; and

''(C) shall be at a low interest rate, as determined by the President.''.

(b) USES OF THE FUND.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) by striking ''Act.'' in paragraph (5)(C) and inserting ''Act; and''; and

(2) by adding at the end the following:

''(6) the making of loans pursuant to the program established under section 1013(f).''.

(c) STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a study that contains—

(1) an assessment of the effectiveness of the claims procedures and emergency response programs under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the procedures and programs referred to in paragraph (1).

SEC. 321. FISHERIES ENFORCEMENT PLANS AND REPORTING.

(a) FISHERIES ENFORCEMENT PLANS.—The Coast Guard and the National Oceanic and Atmospheric Administration shall, to the maximum extent possible, consult with each other and with State and local enforcement authorities in preparing their annual fisheries enforcement plans.

(b) FISHERY PATROLS.—Prior to undertaking fisheries patrols, the Coast Guard and the National Oceanic and Atmospheric Administration shall, to the maximum extent possible, provide to each other and to appropriate State and local enforcement authorities their intentions and projected dates for such patrols.

(c) ANNUAL SUMMARY.—The Coast Guard and National Oceanic and Atmospheric Administration shall prepare and make available to each other, State and local enforcement entities, and other relevant stakeholders, an annual summary report of fisheries enforcement activities for the preceding year, including a summary of the

number of patrols, law enforcement actions taken, and resource hours expended.

SEC. 322. DEEPWATER REPORT.

No later than 180 days after enactment of this Act, the Coast Guard shall provide a written report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with respect to performance under the first term of the Integrated Deepwater System contract. The report shall include an analysis of how well the prime contractor has met the two key performance goals of operational effectiveness and minimizing total ownership costs. The report shall include a description of the measures implemented by the prime contractor to meet these goals and how these measures have been or will be applied for subcontracts awarded during the 5-year term of the contract, as well as criteria used by the Coast Guard to assess the contractor's performance against these goals. To the extent available, the report shall include performance and cost comparisons of alternatives examined in implementing the contract.

SEC. 323. SMALL PASSENGER VESSEL SAFETY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall report to the Congress regarding the enforcement efforts and degree of compliance regarding the 1996 amendments to the Small Passenger Vessel Regulations (title 46, Code of Federal Regulations, part 185) requiring the master of a small passenger vessel to require passengers to don life jackets when possible hazardous conditions exist including—

(1) transiting hazardous bars or inlets;

(2) during severe weather;

(3) in the event of flooding, fire, or other events that may possibly call for evacuation; and

(4) when the vessel is being towed, except a non-self-propelled vessel under normal operating conditions.

(b) CONTENTS.—The report under this section shall include—

(1) a section regarding the enforcement efforts the Coast Guard has undertaken to enforce these regulations;

(2) a section detailing compliance with these regulations, to include the number of vessels and masters cited for violations of these regulations for fiscal years 1998 through 2003;

(3) a section detailing the number and types of marine casualties for fiscal years 1998 through 2003 which have been related wholly or in part to violations of these regulations; and

(4) a section providing recommendation on improving compliance with, and possible modifications to, these regulations.

SEC. 324. ELECTRONIC NAVIGATIONAL CHARTING.

The Commandant of the Coast Guard, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall provide a written report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure no later than 180 days after the date of enactment of this Act with respect to electronic navigational charts. The report shall include—

(1) the costs for the National Oceanic and Atmospheric Administration to complete the suite of electronic navigational charts;

(2) the costs and benefits of a United States requirement of electronic navigation systems on vessels; and

(3) a description of international standards and requirements that already exist or are being developed for the use of electronic navigation systems.

SEC. 325. MEASURES FOR THE PROTECTION OF NORTH ATLANTIC RIGHT WHALES FROM SHIP STRIKES.

(a) Within 120 days of enactment of this Act, the Secretary shall initiate studies to examine options for minimizing vessel strikes of North Atlantic Right Whales in the access of ports which the Secretary, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, has determined—based on a review of past incidents of vessel strikes as well as available scientific, navigation, and other data—pose a substantial risk of vessel strikes of North Atlantic Right Whales. Such studies shall examine measures identified in consultation with the Administrator, including vessel routing, reporting and/or speed measures, that would minimize vessel strikes of North Atlantic Right Whales.

(b) Within 18 months of enactment of this Act, the Secretary of Homeland Security shall, in consultation with Administrator of the National Oceanic and Atmospheric Administration, provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the studies referred to in paragraph (a), including—

(1) a discussion of the effectiveness of the pleasures studied in reducing ship strikes of North Atlantic Right Whales;

(2) a summary, of available analyses regarding potential costs of such measures including regional economic impacts;

(3) the extent to which statutory authority currently exists for the Coast Guard to implement these and other similar measures; and

(4) in consultation with the Administrator and the Secretary of State, a discussion of the national and international legal bases for implementation of such measures.

SEC. 326. FOREIGN VESSEL SECURITY PLANS.

Section 70103 of title 46, United States Code, is amended by adding new paragraphs (c)(8) and (c)(9) to read as follows:

''(8) A foreign vessel destined for, arriving at, or departing from a port or place subject to the jurisdiction of the United States is deemed in compliance with this section if—

''(A) the vessel has in effect a security plan approved pursuant to the International Convention for the Safety of Life at Sea, 1974, (SOLAS) Chapter XI–2 and the International Ship and Port Facility Security Code (ISPS Code); and

''(B) the vessel operates in compliance with its approved plan, SOLAS Chapter XI–2, and the ISPS Code.

''(9) The Secretary shall, consistent with international treaties, conventions, and agreements to which the United States is a party, establish procedures, measures, and standards to assure foreign vessels destined for, arriving at, or departing from a port or place subject to the jurisdiction of the United States comply with vessel security requirements under SOLAS, the ISPS Code, this chapter, and regulations issued under this chapter, including—

''(A) an effective port state control program that identifies foreign vessels for examination based on each vessel's operating history, owner or operator, vessel type, and such other factors as the Secretary determines to be appropriate;

''(B) examination of a vessel and its cargo, passengers, and crew;

''(C) examination of a vessel's security arrangements;

''(D) procedures to ensure shipboard personnel understand their security responsibilities and have the knowledge and ability to perform their assigned duties under a vessel's approved security plan, SOLAS, and the ISPS Code;

''(E) a detailed examination of a vessel's approved security plan;

''(F) restrictions on a vessel's operations or movements;

''(G) denial of entry into port; and

''(H) such other measures that the Secretary determines are necessary to deter a transportation security incident to the maximum extent practicable and to protect the safety and security of United States ports, persons, vessels, facilities, and other property.''.

TITLE IV—MISCELLANEOUS

SEC. 401. CONVEYANCE OF LIGHTHOUSES.

Section 308(c) of the National Historic Lighthouse Preservation Act of 2000 (16 U.S.C. 470w–7(c)) is amended by adding at the end the following:

''(4) LIGHTHOUSES ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by sale, gift, or any other manner of a lighthouse conveyed under authority other than this Act, the Secretary shall review the executed or proposed conveyance to ensure that any new owner will comply with any and all conditions of the original conveyance. If the Secretary determines that the new owner has not or is unable to comply With those conditions the Secretary shall immediately invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.''.

SEC. 402. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for each of fiscal years 2004 and 2005. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 403. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) IN GENERAL.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the 'recipient'), without consideration, if the person complies with the conditions under subsection (c).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(3) The Coast Guard Cutter SUNDEW, to be conveyed to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota), located in Duluth, Minnesota.

(c) CONDITIONS.—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient—

(1) to agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use

by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) to have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least $700,000; and

(3) to agree to any other conditions the Commandant considers appropriate.

(d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of a vessel under this section, the Commandant may, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

(e) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 404. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as ''Koss Cove'', in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) ¾ mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

SEC. 405. DECLARATION OF NON-NAVIGABILITY FOR PORTION OF THE WATEREE RIVER.

For purposes of bridge administration, the portion of the Wateree River, in the State of South Carolina, 100 feet upstream and downstream of the railroad bridge at approximately mile marker 10.0, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 406. CORRECTION OF 2002 COASTWISE TRADE AUTHORIZATION PROVISION.

Section 213(b) of the Maritime Policy Improvement Act of 2002 is amended by striking ''transport and launch'' and inserting ''transport or launch''.

SEC. 407. INNOVATIVE CONSTRUCTION ALTERNATIVES.

The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.

SEC. 408. BRIDGE ADMINISTRATION.

Section 325(b) of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. 97–369; 96 Stat. 1765) is amended by striking ''provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as'' and inserting ''is so''.

SEC. 409. NATIONAL COAST GUARD MUSEUM.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 98. National Coast Guard Museum

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish a new National Coast Guard Museum on Federal lands administered by the Coast Guard at a location specified by the Commandant.

''(b) FUNDING.—The National Coast Guard Museum should be supported with nonappropriated Federal funds or nonfederal funds to the maximum extent practicable and that the priority for appropriated funds should be to preserve and protect historic Coast Guard artifacts and to promote the purposes of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

''(c) LOCATION.—The National Coast Guard Museum may be located at, or in close proximity to, the Coast Guard Academy in New London, Connecticut or at a location with a comparable historic connection to the Coast Guard that will similarly enhance the public's knowledge and appreciation of the Coast Guard's maritime history.

''(d) FUNDING PLAN.—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committees on Commerce of the Senate and on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating and maintaining such a museum, including—

''(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

''(2) the extent to which appropriated, nonappropriated, and nonfederal funds would be used for such purposes; and

''(3) a certification by the Inspector General of the Department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''98. National Coast Guard Museum.''.

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; as follows:

Amend the title so as to read A Bill To authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, April 8, 2004, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the National Park Service concessions program, including implementation of the National Park Service Concessions Management Improvement Act of 1998.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Sarah Creachbaum at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2004, at 9:30 a.m., in closed session to receive testimony on the Second Interim Report of the Iraq Survey Group.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 2 p.m., to conduct a vote on the nomination of the Honorable Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development, and to conduct a markup of S. 2238, ''The Flood Insurance Reform Act of 2004.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Tuesday, March 30, 2004, at 2:30 p.m. on the nominations of Theodore W. Kassinger, to be Deputy Secretary of DOT, Deborah Hersman to be a Member of the NTSB, Thomas Moore to be a Commissioner of the CPSC, Joseph Brennan, to be a Commissioner of the FMC, Paul Anderson to be a Commissioner of the FMC, and Jack McGregor to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, in SR253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 30, at 10 a.m.

The purpose of the hearing is to receive testimony on the Energy Employees Occupational Illness Compensation Program Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, March 30, 2004, to consider favorably reporting the nomination of Donald Korb, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 10 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 30, 2004, at 9 a.m., in room 485 of the Russell Senate Office building to conduct an oversight hearing on the Inter-Tribal Timber Council's Indian Forest Management Assessment Team Report. Immediately following the close of that hearing, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet at 10 a.m. to conduct a hearing on S. 868, a bill to amend the Coos, Lower Umpqua, and Siuslaw Restoration Amendments Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ENZI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 30, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2004, at 2 p.m., in open session to receive testimony on Army aviation programs, in review of the Defense authorization request for fiscal year 2005 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Aviation Subcommittee on Commerce, Science and Transportation be authorized to meet on Tuesday, March 30, 2004, at 9:30 a.m. for a closed hearing on Aviation Security, in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Tuesday, March 30, 2004, at 2:30 p.m., for a hearing entitled, ''The Federal Government's Role In Empowering Americans To Make Informed Financial Decisions.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 30, 2004, at 2:30 p.m.

The purpose of this hearing is to conduct oversight on National Heritage Areas, including findings and recommendations of the General Accounting Office, the definition of a National Heritage Area, the definition of National Significance as it relates to national heritage areas, recommendations for establishing national heritage areas as units of the national park system, recommendations for prioritizing proposed studies and designations, and options for developing a national heritage area program within the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2443 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has favorably considered the Coast Guard Authorization Act of 2003, and will pass by unanimous consent the Senate manager's amendment to H.R. 2443. We look forward to working with the House to quickly reach agreement on a final bill for passage in both houses.

Senator HOLLINGS and I have agreed to work with the House through a balanced, bipartisan conference committee. The Senate members would include five majority and four minority members of the Commerce, Science, and Transportation Committee. We plan to work together in a bipartisan manner to support the provisions of the Senate bill, while working with the House conference members to reach a final bill acceptable to all conferees. We will also include one majority and one minority member of the Environment and Public Works Committee to work with us on provisions in the bill that amend the Oil Pollution Act of 1990.

Mr. HOLLINGS. Mr. President, I am likewise pleased that the Senate will pass this important authorization bill for the Coast Guard. I look forward to working with Senator MCCAIN and the other members of the conference committee to reach a final consensus bill that we can adopt in both houses.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read for a third time and passed, the title amendment be agreed to, and the motion to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2954) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 2955) was agreed to, as follows:

Amend the title so as to read A Bill To authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

The bill (H.R. 2443) was read the third time and passed.

Mr. ALEXANDER. I further ask that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees at a ratio of 5–4 on the Commerce Committee and 1–1 on the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding officer (Mr. TALENT) APPOINTED MR. MCCAIN, Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. HOLLINGS, Mr. INOUYE, Mr. BREAUX, and Mr. WYDEN; from the Committee on Environment and Public Works, Mr. INHOFE and Mr. JEFFORDS, conferees on the part of the Senate.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 108–199, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Eric G. Postel of Wisconsin.

The Chair, on behalf of the majority leader, pursuant to Public Law 108–199,

Title VI, Section 637, appoints the following individual to serve as member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Michael A. Ledeen of Maryland.

The Chair, on behalf of the majority leader, pursuant to Public Law 108–199, Section 104(c)(1)(A), appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: William E. Troutt of Tennessee.

MEASURE PLACED ON THE CALENDAR—S. 2250

Mr. ALEXANDER. Mr. President, I understand there is a bill at the desk that is due for second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2250) to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

Mr. ALEXANDER. I object to further proceedings on the bill at this time on behalf of the leader in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar pursuant to rule XIV.

ORDERS FOR WEDNESDAY, MARCH 31, 2004

Mr. ALEXANDER. On behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 31. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10 a.m. with the first half of that time under the control of the majority leader or his designee and the final time under the control of the Democratic leader or his designee.

I further ask consent that at 10 a.m. tomorrow morning, the Chair lay before the Senate a message from the House to accompany S. Con. Res. 95, the budget resolution. I further ask consent that Senator CONRAD be in control of 60 minutes, and Chairman NICKLES be in control of 30 minutes of debate only; provided further that following the use or yielding back of time, the Senate disagree to the amendment of the House, agree to a request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4–3, with no intervening objection or debate.

Finally I ask consent that following the appointment of conferees, the Senate resume consideration of H.R. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALEXANDER. Mr. President, tomorrow, following morning business, the leader has asked me to say that the Senate will conduct the 90 minutes of debate prior to appointing conferees with respect to the budget resolution. Following that action, the Senate will resume consideration of the welfare reauthorization bill.

Moments ago, the majority leader filed cloture on the committee substitute to that bill. That cloture vote will occur on Thursday of this week. We hope cloture would be invoked to allow us to finish the welfare legislation.

It is also the majority leader's hope that we will be able to move forward with germane amendments to the welfare reauthorization bill and make progress on the bill during tomorrow's session. Therefore, rollcall votes are possible during tomorrow's session. Senators will be notified when the first vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALEXANDER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, March 31, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate March 30, 2004:

DEPARTMENT OF STATE

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.